



Office of the Judge Advocate General

ANNUAL PERFORMANCE REPORT

**For Period
01 April 2001 - 31 March 2002**

**OFFICE OF THE JUDGE ADVOCATE GENERAL
Annual Performance Report - Fiscal Year 2002**

TABLE OF CONTENTS

1	EXECUTIVE SUMMARY	1
1.1	A VALID AND RELIABLE SYSTEM OF PERFORMANCE ASSESSMENT	1
1.2	RESULTS FOR CANADIANS	2
1.3	JAG PERFORMANCE RELATIVE TO THE PRAS	5
1.4	JAG PERFORMANCE RELATIVE TO DEFENCE PLAN 2001	7
2	INTRODUCTION.....	8
3	IS THE JAG PERFORMANCE REPORTING SYSTEM CREDIBLE ?	8
4	QUALITATIVE ASSESSMENT - PROVISION OF QUALITY LEGAL SERVICES	8
4.1	CLIENT SATISFACTION QUESTIONNAIRE SURVEY (WORKING LEVEL).....	8
4.2	CLIENT SATISFACTION INTERVIEW SURVEY (EXECUTIVE LEVEL).....	9
5	AUDIT OF PMDSS DATA COLLECTION FOR VALIDITY & RELIABILITY	10
5.1	AUDIT OBSERVATIONS.....	10
6	JAG PERFORMANCE	12
6.1	SYNOPSIS.....	12
6.2	FY 2001 PERFORMANCE GAPS – EFFECT OF REMEDIAL ACTIONS	14
6.3	THE SUSTAINING AGENDA (RUNNING THE BUSINESS)	19
6.3.1	<i>Resource (Inputs) Management.....</i>	<i>19</i>
6.3.2	<i>Quality Legal Services (Outputs).....</i>	<i>25</i>
6.4	STRATEGIC CHANGE AGENDA (JAG STRATEGY 2020)	31
6.4.1	<i>Legal Stewardship (progress in achieving Outcomes)</i>	<i>31</i>
6.5	CURRENT PERFORMANCE GAPS, IMPACT AND REMEDIAL ACTIONS.....	42
6.6	SUMMARY OF PERFORMANCE ACCOMPLISHMENTS – RESULTS FOR CANADIANS.....	44
6.6.1	<i>Resource (Inputs) Management.....</i>	<i>44</i>
6.6.2	<i>Provision of Quality Legal Services (Outputs).....</i>	<i>44</i>
6.6.3	<i>Legal Stewardship (Strategic Outcomes).....</i>	<i>45</i>
ANNEX A:	OVERVIEW OF JAG PERFORMANCE MEASUREMENT	1
ANNEX B:	REPORT ON THE JAG CLIENT SATISFACTION INTERVIEW SURVEY OF LEVEL ONE ADVISERS - FY 2002.....	1
ANNEX C:	PMDSS DATA COLLECTION AUDIT REPORT, 17 DECEMBER 2001.....	1

1 EXECUTIVE SUMMARY

1.1 A VALID AND RELIABLE SYSTEM OF PERFORMANCE ASSESSMENT.

This is my third annual performance report and it is the third consecutive year that the demand for JAG legal advice and services has increased significantly (20 % in FY 2002). This tends to imply client satisfaction with the quality of our work. We have been able to respond to this escalating demand with higher levels of output and a respectable compliance rating of over 90% with Service Level Agreements (SLAs). In the process we reduced the number of outstanding (Unserviced) demands by 13 % last year. These results predict client satisfaction but they cannot state it with certainty. They are quantitative measures of our success that we have used to make assumptions about the quality of our output to clients. The numbers have tended to support high levels of client satisfaction with our services.

There are many among us who are sceptical of the story told by numbers alone since data can be misinterpreted disguising unfavourable results. For this reason, a 'balanced scorecard' composed of quantitative measures alone cannot survive the performance measurement litmus test. Reliable qualitative measures are necessary to balance the equation, to confirm (or deny) the theorem put forth by the rest of the performance measurement system.

As originally developed, our Performance Measurement Framework (PMF) included an acid test of true "quality" in the form of client satisfaction survey measures. This past year we completed their development and put them into practice. Two methods of survey were implemented to engage both the working and executive levels. The first was a questionnaire report. 136 clients from seven Canadian Regions and Europe participated in this survey, scoring JAG service quality on 13 performance factors in the categories of Quality of Service, Timeliness and Interpersonal Relations.

The results, detailed at Section 4.1 of this report, are conclusive. At the working level, JAG principal clients support our conclusions from our data that high quality, timely legal advice and services have been consistently provided in a professional manner. For our second survey, the interview method was applied to executive level staff of the Environmental Chiefs and Group Principals at National Defence Headquarters. Complete satisfaction with JAG legal services was universally expressed (Section 4.2 refers). In addition, the principal client organizations most affected by the JAG reorganization observed significant improvement in the timeliness of legal services provided.

These survey results support the story that our numbers have been telling us. Still, a small element of doubt persisted in relation to the reliability of the data collection process that is the grist in our performance measurement mill. Last fall, we commissioned an independent audit of this process. Its results, detailed at Section 5 of this report, confirm our confidence in the validity and reliability of the data used by our Performance Measurement Decision Support System (PMDSS).

The remainder of this executive summary addresses our FY 2002 performance results relative to Departmental commitments undertaken in the applicable Report on Plans and Priorities (RPP), assessment factors contained in the Planning Reporting and Accountability Structure (PRAS) and those emanating from Defence Plan 2001. The body of this report examines JAG performance for FY 2002 in detail.

1.2 RESULTS FOR CANADIANS.

The Report on Plans and Priorities for the DND/CF articulated eight commitments to Canadians aimed at supporting the achievement of national priorities as articulated in the Government's Speech from the Throne. Two of these, strengthening the capital equipment program and reviewing the Defence infrastructure are outside of the scope of the JAG mission. The remaining six commitments are ones to which the Office of the JAG has been able to contribute in a meaningful way.

NATIONAL PRIORITIES

DEVELOPING OUR YOUTH

Each year we hire young Canadians, fresh out of law school to fulfil their Articles of Clerkship within the Office of the JAG. While employed with our office, these “Students at Law” carry out their ten-month Articling Phase of the Bar Admission Course that is prescribed by their respective law societies. They are mentored by JAG legal officers, who act as Articling Principals, and are rotated through several JAG Directorates to ensure that they receive the broadest legal experience. So successful is this program in developing young talent that it has become another source of recruitment of direct entry legal officers.



Another way in which we offer young Canadians quality training and development opportunities is through our annual support to the Federal Student Work Experience Program (FSWEP). Each year we hire a sizable cadre of paralegal summer students to conduct legal research projects. Many of these young Canadians acquire qualifications for permanent employment as a result of their work experience with the Office of the JAG.



ADVANCING CANADA'S PLACE IN THE WORLD

The Office of the JAG has a worldwide presence and a growing tradition of support for the international community's efforts to bring peace and stability to the world's trouble spots. In addition to deploying ever-larger numbers of legal officers to United Nations missions, our lawyers take part in domestic field exercises and operations. In FY 2002, 22 legal officers accumulated a record 84 months (7 person-years) of domestic and international operational deployment. This compares to 55 months in FY 2001. In addition, our International Law directorate continues to work with the Department of Foreign Affairs and International Trade to advance the Government's human security agenda, including efforts to protect children from involvement in armed conflict.

HONOURING DEFENCE COMMITMENTS TO CANADIANS

MODERNIZING CANADA'S FORCE STRUCTURE

Objective - To strengthen the Canadian Forces' ability to deal with emerging defence issues.

JAG Initiatives:

- Our military law outreach program included 11 meetings with key UN organizations, the ICRC, ICTY, ICTR and central agencies in a forum to strengthen inter-agency cooperation domestically and internationally by sharing knowledge and practices respecting present and emerging legal issues affecting nations. JAG lawyers also attended meetings of the International Society of Military Law and the Law of War wherein emerging international and defence security legal issues were discussed;
- A specific assessment of international legal issues respecting information operations was begun this past year with the mandate to produce an analysis report with strategic recommendations to deal with the extant and estimated threat;
- A Legal Analysis Group was created in the Operations Division of JAG and will meet regularly to evaluate emerging legal issues for impact on the DND/CF and recommend strategic options to manage risk.

NURTURING DEFENCE'S HUMAN RESOURCES

It has been a JAG imperative to establish the Office of the JAG as an employer of choice for the Canadian legal profession in order to attract and retain the best lawyers.

- The best law firms offer active continuing legal education. In FY 2002, we advanced an ambitious slate of personnel and training initiatives that included 1005 days of professional development training, two lawyers on Post Graduate studies and one on continuous language training.
- The JAG Diversity Plan has improved minority representation in this office in FY 2002 by 1.6 % and will continue this trend in the coming year.
- Another innovative feature of the practice of law in the Office of the JAG is that JAG lawyers are also managers of people and public funds. Reserve Force salary budgets and personnel employment obligations were added to their list of accountabilities in FY 2002. Aspiring practitioners of the law will see the Office of the JAG as an employment centre of excellence where they will have the opportunity to become professionals in every sense of the word.

SUPPORTING CANADA-UNITED STATES RELATIONS

Objective - Work with the United States to strengthen inter-operability between forces with respect to Space Cooperation and NORAD Renewal.

JAG Initiatives:

- Directly linked to the break up of NORAD/US Space Command, DND was requested, in December 2001, to create a legal officer position to support the Deputy CINC NORAD. This position will be staffed to review and assist in negotiating international agreements, advise on legal matters respecting joint military cooperation and serve as the expert on legal questions involving the interpretation of Canadian law relative to all CANUS instruments, plans and arrangements;

JAG Annual Performance Report - FY 2002

- A project was commenced to examine documents that are fundamental to continental defence such as the Basic Security Document, the Combined Defence Plan and Ballistic Missile Defence to ensure that they reflect Canadian priorities and policies.

ENHANCING COMMUNICATIONS, OPENNESS AND TRANSPARENCY

Objective - To further improve internal and external communications.

JAG Initiatives:

- Nine information management projects were completed in FY 2002 and six more were begun, all aimed at improving electronic access to annual reports, legal, personnel, business planning and performance information resident on both the Internet and the Intranet;
- Client satisfaction surveys were developed and conducted to obtain written and verbal feedback on the quality and timeliness of JAG legal services as well as the interpersonal skills of legal officers delivering the service. The results have been published;
- The third annual military justice compliance survey was conducted to assess unit compliance with regulatory requirements of the military justice system. The results were published in the JAG Annual Report on the administration of military justice.

Objective - To further improve openness and transparency, particularly with respect to Access to Information.

JAG Initiatives:

- The sharing of information with the public respecting activities of the Office of the JAG takes place within the military justice and military law outreach programs wherein 10 separate initiatives were completed in FY 2002. Included were articles published in JAG Newsletters and in the 'Maple Leaf' on the Canadian Military Justice System. Information exchanges, sharing of best practices and exposing complex problems through the Military Law Section of the Canadian Bar Association at regular meetings and through the Commonwealth Association of Armed Forces Lawyers were other ways in which our office promoted openness and transparency.
- Publication of the Annual Report on military justice in the Canadian Forces, the Office of the JAG Business Plan and Annual Performance Report, and current information including disciplinary proceedings on [JAG: Home / Page d'accueil](#) facilitated access to information throughout FY 2002 and will continue in the future.

INSTITUTIONALIZING REFORM AND CULTURAL CHANGE

Objective - To deliver on the Minister's "Commitment to Change"

JAG Results:

- A very challenging list of 128 projects filled out our Strategic Change Agenda in FY 2002. Substantial progress was made on 89 of them and 46 were completed (more than double the previous year). As projects were completed, new initiatives were developed to replace them in our program of continuous improvement to remain focussed on changing corporate priorities in the Defence Strategy 2020.

JAG Annual Performance Report - FY 2002

Objective - To strengthen diversity and continue the integration of women into the CF.

JAG Results:

- Of the eleven legal officers recruited in FY 2002, five were women, raising the JAG representational index to 24.8 % from 23.2 % in FY 2001.

Objective - Reserve Restructuring

JAG Results:

- The JAG Primary Reserve List (PRL) was created. Reserve Force legal officers were transferred from ADM (HR-Mil) to the Office of the JAG and their administrative, financial and employment conditions were revitalized in the process;
- The JAG sponsored a Treasury Board submission, approved in FY 2002, to pay Reserve Force legal officers an allowance for court appearances on behalf of the Crown, thereby enhancing Reserve Force compensation;
- JAG PRL became integrated into JAG Professional Development Training; and
- A JAG PRL Employment Strategy was implemented and additional funds were added to the Reserve budget, increasing it by 1/3rd and ensuring equality of opportunity for training and employment among JAG Reserve Force legal officers.

MODERNIZING MANAGEMENT PRACTICES

Objective - Adopt modern management techniques in the development of Strategy 2020 and business planning procedures.

JAG Results:

- The Innovative Management Program in the JAG Strategic Change Agenda consists of 35 projects to modernize management practices and improve the core competencies of JAG lawyers. Of these, 16 were completed in FY 2002 while 10 made significant progress against scheduled milestones and 9 entered the development phase.
- The JAG Performance Measurement Decision Support System (PMDSS), in use for three years, was further refined, became accessible to all JAG senior managers and was used to allocate JAG resources, validate personnel requirements and to define performance targets in the JAG Business Plan.

1.3 JAG PERFORMANCE RELATIVE TO THE PRAS.

The Planning, Reporting and Accountability Structure (PRAS) is the Departments' results-based planning, management and reporting framework wherein results are tied to the Defence Capability Programs. Its Performance Measurement Framework defines measures to assess:

- Readiness (the exercise of primary functions)
- Capability (conducting assigned missions within available resources)
- Sustainability (supporting operations)
- Deployability (getting into theatre and performing to operational standards)
- Economy (budget variance, spending and resources usage rates)
- Efficiency (unit cost of outputs), and
- Effectiveness (level and quality of client services)

JAG Annual Performance Report - FY 2002

While 'Results for Canadians' are outcomes of initiatives in the JAG Strategic Change Agenda, the PRAS is concerned with the Sustainment Agenda, running the day-to-day business - producing the required outputs to clients from the resources (inputs) provided.

The following table illustrates JAG performance relative to the PRAS reporting criteria based on corresponding measures and indicators in the JAG Performance Measurement Decision Support System (PMDSS).

<i>PRAS Performance Measures</i>	<i>JAG Performance Measures</i>	JAG Performance
Readiness (exercise of primary functions)	Resource Capacity (ability to meet legal taskings)	104.8 %¹
Capability (conducting assigned missions within available resources)	Financial Management (budget mgt. - Prosecutions, Defence, operations)	107.7 %²
	Service Reach (as above)	97.8 %
Sustainability (supporting operations)	Operational Deployment (Actual vs. Planned deployment)	103.9 %
Deployability (getting into theatre and performing to operational standards)		
Economy (budget variance, spending and resources usage rates)	Financial Management (Budget Mgt., Resource Planning, Timeliness of Payments, Strategic Investment, Losses)	108.5 %³
Efficiency (unit cost of outputs)	Cost Efficiency (Expenditures vs. Budget by Def. Capability)	114.8 %⁴
Effectiveness (level and quality of client services)	Service Demand (compared to planned)	116.7 %
	Service Reach (All JAG organizations)	113.7 %
	Unserviced Demand (Outstanding)	0 %⁶
	SLA Compliance (Service Agreements)	91.5 %
	Timeliness - Military Justice⁵	70.3 %⁷
	Client Satisfaction Survey Results	117.6 %⁸
Overall JAG Performance in the Sustainment Agenda		94.8 %

Overall, in the JAG Sustainment Agenda, we delivered 14.6 % more high quality legal services in support of the Defence Mission than we did in the previous year and at almost the same cost to Canadians. Our FY 2002 expenditures were only 3.5 % more than in FY 2001, only slightly above the inflation rate. Canadians can be well assured that the Judge Advocate General has made the most efficient use of the people, dollars and other assets entrusted to him to ensure that the Defence Mission was carried out in accordance with the rule of law.

¹ Additional taskings were performed beyond those that were planned.

² Taskings performed within funding allotment. Surplus funds returned to ADM (Fin-CS) for reallocation.

³ Budgets were under-expended and more O&M expended on capital as a result.

⁴ Budgeted expenditures for each Capability Program were under-expended.

⁵ This is the timeliness of JAG military justice directorates - Prosecution, Defence, MJ Policy & Research.

⁶ The number of unfulfilled services was less than 2% of the workload but the goal was to meet all demands. Since were wide of that target (336 late services vs. 17,475 demands), we earned a performance rating of 0%.

⁷ Of the 3 directorates reporting Mil. Justice Timeliness, only the Prosecutions directorate has had low performance ratings netting a low overall result in this measure. Explained in Section 6.3.2 of the report.

⁸ See Section 4.1 of the report for scoring criteria of this performance indicator.

1.4 JAG PERFORMANCE RELATIVE TO DEFENCE PLAN 2001.

As a Special Entity senior manager, the JAG is not responsible to the DM/CDS and was not assigned Defence Tasks under Defence Plan 2001. Rather, the JAG is directly responsible to the Minister in the performance of the JAG's duties and functions, which are set out in the *National Defence Act*, Section 9.3 (1). The first of these states "The JAG acts as legal adviser to the Governor General, the Minister, the Department and the Canadian Forces in matters relating to military law."

The legal adviser function respecting the Department and the Canadian Forces consists of a multitude of duties that derive from client expectations. These duties are equivalent to Defence Tasks. Similarly, his provision of certain military justice services to those same clients is comparable to specific Defence Tasks and directly serves the Command and Control Capability Program. As such, the JAG is able to draw parallels and demonstrate linkages between his DND/CF responsibilities and the Capability Programs that are the substance of Defence Plan 2001. In addition, the JAG is accountable to the DM and CDS for his resources and must demonstrate effective resource stewardship while this arrangement exists.

Taken together, these responsibilities and their clear ties to Defence Plan 2001 as well as to the Report on Plans and Priorities give the JAG cause to correlate his business planning and performance reporting processes with those of the Department and the Canadian Forces. This arrangement has been working very well and the mutual understanding that results from maintaining these ties and linkages to client goals and objectives facilitates the solicitor/client relationship.

The JAG performance report that follows relates directly to Defence Plan 2001, its Capability Programs and Defence Tasks, to Defence Strategy 2020 and to the Corporate Priorities.

2 INTRODUCTION

We have now completed three full years of functional performance measurement and management. Each year we have built upon a strong and enduring foundation, expanding the number of measures and indicators in our performance framework to track the progress and the results of most of our legal work and our strategic management initiatives, tying resources to outputs. In FY 2002 (01 Mar 01 - 31 Apr 02) we increased the number of business activity performance indicators by 1/3rd (from 211 to 284). This is a result of the greater complexity of the legal issues presented to us, reflecting changes in defence priorities and strategy over the last half of the fiscal year.

A complete description of the JAG Performance Measurement Framework, its relevance to the JAG Mission and Vision and its linkage to client goals and objectives is contained in Annex A to this report. Since we rely more and more on the system of measurement that supports this performance framework for decision-making, it is important that we, and those to whom we are accountable, are confident in its validity and reliability to accurately evaluate JAG performance.

3 IS THE JAG PERFORMANCE REPORTING SYSTEM CREDIBLE ?

The JAG performance measurement system is apparently 'tried and true', all-inclusive in its depth and breadth of coverage and provides managers confidence that it can appraise performance accurately and completely. But is it accurate and is it telling the whole truth?

In last year's performance report, we claimed full reliance on the validity and reliability of our Performance Measurement Decision Support System (PMDSS), noting that it has allowed us to draw well reasoned conclusions about what is going on in our business and why, using comparative analysis produced by a reliable data collection and evaluation process. This claim was based almost solely on quantitative measures, such as our compliance rating with Service Level Agreements (SLAs). We were confident that there was a strong correlation between high ratings for SLA compliance and high levels of client satisfaction with the quality and timeliness of our legal advice and services.

Our confidence in the ability of this measure to accurately predict client satisfaction was not necessarily justified because our balanced scorecard lacked the qualitative measures that could either confirm or deny our claim to providing high quality, timely legal services. In FY 2002 we implemented these quality measures in the form of client satisfaction surveys using both the questionnaire and interview methods across our entire client base.

Another perceived frailty in our system was revealed during our annual performance briefing to the MND in Jun of last year, when it was asked if we had subjected our data collection process to an independent audit (in order to verify the legitimacy and dependability of the PMDSS, on which we have based so many important management decisions). This essentially called into question the soundness of our performance assumptions and gave rise to our decision to commission such an audit.

The results of both the client surveys and the system audit follow.

4 QUALITATIVE ASSESSMENT - PROVISION OF QUALITY LEGAL SERVICES

4.1 CLIENT SATISFACTION QUESTIONNAIRE SURVEY (WORKING LEVEL)

During Jan/Feb 02, the first Client Satisfaction Survey was conducted. Questionnaires were provided by e-mail to 153 principal clients of the Office of the JAG. Since each respondent

JAG Annual Performance Report - FY 2002

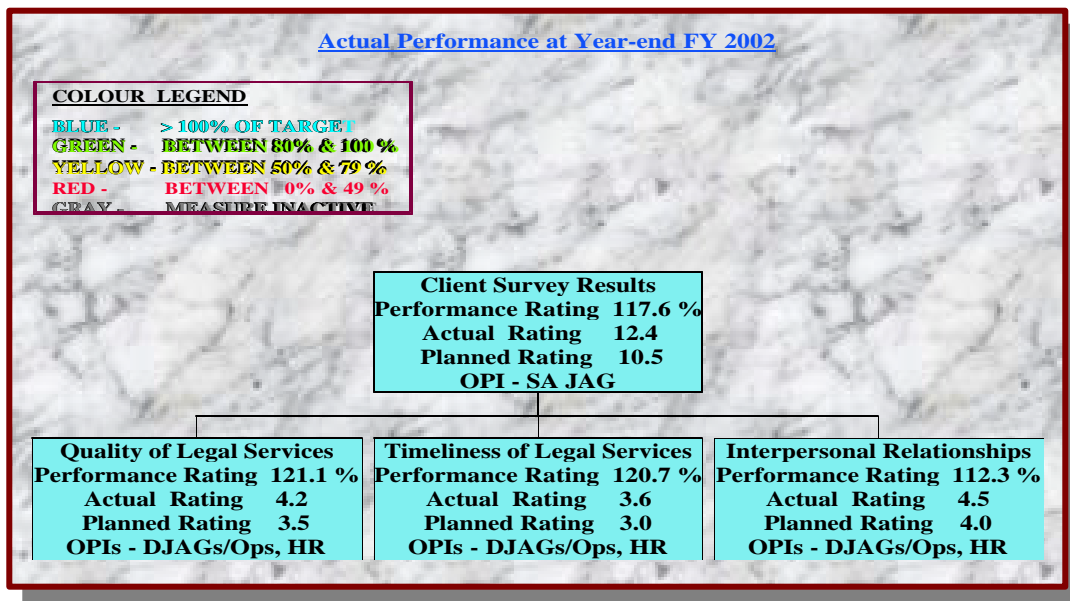
produced tabulated score sheets for each category of question, its results were readily adaptable to PMDSS analysis. 136 clients from seven Canadian Regions and Europe participated in this survey, scoring JAG service quality on 13 performance factors in the following categories:

- Quality of Service;
- Timeliness; and
- Interpersonal relations.

The scoring in each performance factor ranged from 1 (Needs a lot of improvement) to 5 (Excellent). For the purposes of evaluating whether or not the results of this survey validated or contradicted the correlations predicted by other performance indicators in the PMDSS, performance targets were established in each category as follows:

- Quality of Service - **3.5** (above average);
- Timeliness - **3.0** (average); and
- Interpersonal relations - **4.0** (well above average).

Hereunder is a graphic summary of the survey results as displayed in the PMDSS.



These results confirm the correlations assumed prior to implementing the client satisfaction survey. The JAG clients surveyed support our claim to providing high quality, timely legal advice and services.

4.2 CLIENT SATISFACTION INTERVIEW SURVEY (EXECUTIVE LEVEL)

This survey was conducted using the face-to-face interview method applied to Level One advisers at NDHQ during the last month of FY 2002.

While interviews dealt with quality and timeliness issues they were also aimed at determining whether or not the new JAG organization has addressed the concerns expressed in the past by these Level Ones. Results of the interviews were documented and are attached to this report at Annex B. Since those results could be perceived as subjective, and since no empirical data were tabulated, the outcome of this survey was not recorded in the PMDSS. Its results, nevertheless, tend to strongly support the conclusions of the

questionnaire (working level) survey and further validate the story told by the PMDSS quantitative measures of JAG performance. Complete satisfaction with JAG legal services was universally expressed and the principal client organizations most affected by the JAG reorganization observed significant improvement in the timeliness of legal services provided.

5 AUDIT OF PMDSS DATA COLLECTION FOR VALIDITY & RELIABILITY

5.1 AUDIT OBSERVATIONS.

A 10% random sample of over 15,000 data entries in the PMDSS data collection logs from 6 of 26 JAG organizations were subjected to audit by an independent consulting firm. The six organizations were chosen on the basis of their frequency of communications with JAG Business Management on data collection issues.

Annex C is the complete audit report, which explains the requirement and discusses the methodology, detailed results, findings and recommendations. This section will highlight the corrective actions taken by JAG Business Management respecting each of the audit recommendations. These are tabulated below:

<i>Audit Recommendations</i>	<i>Corrective Action Taken</i>
<i>1. Service Type: Assess and confirm the definitions for service types and how they are communicated to staff in JAG. Consideration should be given to having hands-on, one-on-one training and orientation sessions with the staff at their own office using their own database. Other tools such as user manuals, directives, Q&As, etc. would also be useful.</i>	<ul style="list-style-type: none"> • Bilingual one-on-one training is being conducted at field offices by Business Management staff. • The PMDSS User Manual has been revised, re-published and is on line with updated definitions.
<i>2. Telephone Service Requests: Assess and confirm the definition of service requests and how they should be tabulated in the PMDSS. Consideration may be given to count legitimate phone calls lasting a minimum of 5 minutes or longer as opposed to the current minimum standard of 15 minutes. Another consideration may be to <u>not</u> impose any time parameter.</i>	This problem only resides in DDCS where very few duty calls are under 15 minutes duration. It is not a statistically significant matter and will be corrected with the replacement data collection system early in FY 2004. The time parameter stands.
<i>3. Target Date: Assess and confirm the definition of target date of service requests and whether there are any implications to Service Level Agreements (SLAs)</i>	The "Target Date" field has been changed in the data collection log to read "Received Date" to eliminate ambiguity.
<i>4. Open Files: Assess and confirm the definition of open files and when an open file should be closed in the PMDSS. Consideration may be given to closing legal files that are pending responses or action outside of the JAG organization. Should there be a requirement for subsequent legal action on a closed file, the matter could be treated as a separate request.</i>	<ul style="list-style-type: none"> • Kit Recovery is administrative activity performed by admin. staff. It is not significant legal work and has been removed from the PMDSS. AJAG staff may continue to record this activity for their own tracking purposes. • Files that have been held open, pending action external to JAG, are now being closed when the legal work is complete.
<i>5. Services Performed by Paralegals: Assess and confirm what needs to be counted as a service request. In this regard, legitimate legal work should include work done by paralegal staff and legal advisory work such as claims against the Crown.</i>	<ul style="list-style-type: none"> • Claim files are now closed after a legal officer signs off a letter of offer. • Only if a legal officer's sign-off is required is a task counted as legal work for PMDSS purposes.

JAG Annual Performance Report - FY 2002

<i>Audit Recommendations</i>	<i>Corrective Action Taken</i>
<p>6. Training: Provide the hands-on one-on-one training and orientation to Directors and AJAGs staff to demonstrate the value-added nature of the PMDSS to the JAG organization and the “big picture”. The requirement is for PMDSS expert staff to provide the direct training in the Directors and the AJAGs Staff at their location using their database.</p>	<ul style="list-style-type: none"> • Training conducted by Business Management staff is underway at field office locations. • Chapters 1 and 2 of the widely distributed and on-line PMDSS User Manual are devoted to the “big picture”. • A CIO project has been initiated to provide remote JAG LAN access to field offices by 31 Mar 03.

The majority of data discrepancies observed by the audit team occurred in categories of data that are not used for performance analysis and reporting by the PMDSS. These ‘were wrong target dates’ not related to SLAs or military justice and ‘wrong service type’. The PMDSS measures timeliness only as it relates to SLA compliance and military justice. Service type data are level of effort statistics collected to inform Directors and AJAGs of their resource consumption by legal service type. The table below identifies the impact of observed data discrepancies:

Data Discrepancies	Number	Effect on PMDSS	Comment
Support file not located	4	Nil	Missing legal files is a problem for the Director not the PMDSS.
Wrong Service Type	12	Nil	This is information for Directors and AJAGs, not for the PMDSS.
Wrong Target Date	6	Nil	Not related to SLAs, therefore not relevant to the PMDSS.
Duration < 15 Minutes	11	Insignificant	This is a DDCS matter only and is not statistically significant.
TOTAL	33/90	None	Nothing of significance to decision-making observed.

The new system of data collection that will replace the present MS Access database tool in FY 2004 will produce more accurate level of effort data, which will be used by the PMDSS to produce Activity-Based Costing (ABC) reports.

The conclusions of this audit support a high level of confidence in the validity and reliability of the specific categories of data used by the PMDSS for performance measurement and decision support purposes.

6 JAG PERFORMANCE

6.1 SYNOPSIS

The business plan applicable to the period covered by this report is the JAG FY 01/02 Strategic Letter. There-in, three strategic targets were described:

- Build confidence in the restructured Military Justice System;
- Deliver expanded and enhanced services in military law; and
- Foster innovative leadership and management in the Legal Branch.

The JAG sustainment objectives for the same period were to:

- meet all mandated legal taskings (advice to government, courts martial, deployments and training commitments);
- comply with Service Level Agreements (SLAs);
- meet all demands for legal advice and services; and
- conduct all JAG activities within assigned resource levels.

Over all, my performance measurement system gives the Office of the JAG an 88.9 % performance rating for FY 2002, an improvement from the previous year's 84.9%.

We could not have foreseen the heightened activity levels that followed the events of September 11th and that caused us to sacrifice greater progress on our strategic initiatives, though we achieved a respectable 77 % performance rating in the Strategic Change Agenda. We had a lot more success over the past year in keeping up with sustainment activities (94.8% performance rating compared to 87.4% the previous year) despite a record high demand for services.

In the Quality Legal Services performance perspective are several noteworthy accomplishments:

- we met all mandated legal taskings (courts martial, deployments and training commitments), surpassing the previous year's performance in this regard by 1057 activities (50 %);
- we serviced 2,708 (18.9 %) more demands for legal advice and services in FY 2002 than in the previous year;
- we negotiated 27 Service Level Agreements with the large consumers of our services, an increase of 13 over FY 99/00;
- our compliance rating with these 27 SLAs was 91.5%;
- the additional resources provided by the Department last year made a very positive effect on the Sustainment Agenda, restoring productivity in lagging areas of performance;
- most of the FY 2001 performance gaps have been closed.

Figure 5, below, provides a year-end snapshot of my performance results in the principle measures of each key perspective.

JAG Annual Performance Report - FY 2002

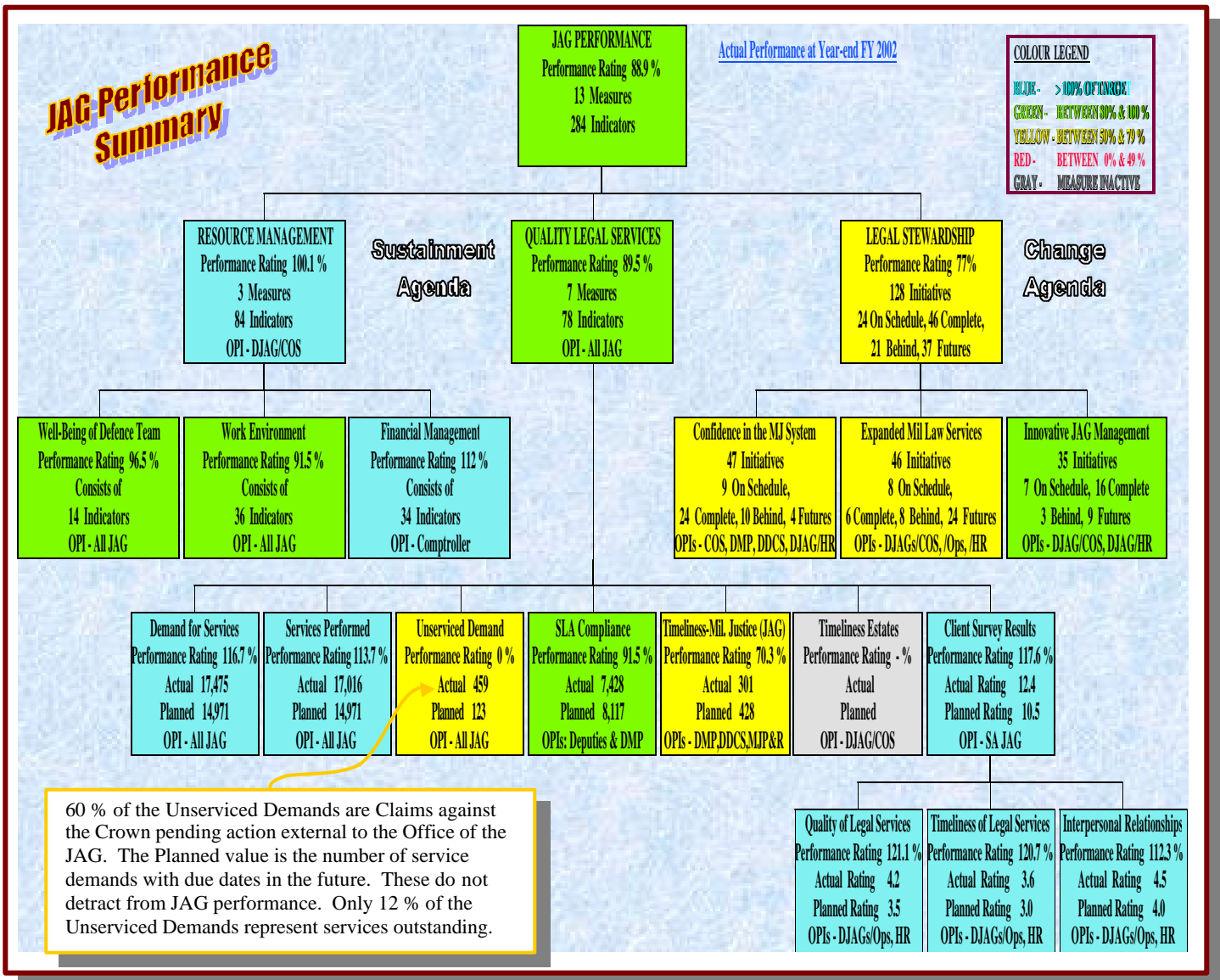


Figure 5

Before drilling deeper into these performance measures, we will first examine our success in closing the performance gaps identified in last year's report for which remedial measures were identified and implemented.

6.2 FY 2001 PERFORMANCE GAPS – EFFECT OF REMEDIAL ACTIONS.

All five performance gaps identified in last year’s performance report related to the critical shortage of trained and experienced legal officers in the JAG organization. These were serious performance gaps that resulted in the addition of 9 new legal officers to the JAG establishment over two years, 6 during the reporting period. Vigorous and fruitful recruiting and training efforts have greatly improved the productivity to all of the deficient areas as the tables below indicate.

KEY PERSPECTIVE: *Resource Management*
PERFORMANCE MEASURE: *Productive Work Environment*
PERFORMANCE SUBMEASURE: *Regular Force Component*
PERFORMANCE INDICATOR: *Legal Officer Strength vs. Establishment*

<i>Description of GAP (deficiency)</i>	<i>IMPACT on PERFORMANCE</i>	<i>SUCCESS OF REMEDIAL ACTION</i>
<i>In FY 2001 we laboured under a significant shortage of experienced legal officers resulting in a performance gap in our management of the day-to-day business. Through most of the year, 31 % of our legal officer strength lacked the skills for unrestricted employment.</i>	Continued shortages in field offices, international and operational law impacted performance by delaying or deferring provision of legal advice and services in military law to some clients.	The remedial measures were expected to significantly improve field office strength through last year and did so. We started the year with 10 vacancies and ended with 4, though 3 Class “C” Reserve legal officers were employed to offset most of this deficit and will continue to until all substantive positions are filled. The reorganization, which added the DJAG/HR division and created a new Ottawa-based field office (AJAG/Ottawa) proved to be the most important factors in eliminating this performance gap.
	REMEDIAL ACTION	
	All legal officer production and training options were pursued but even with the addition of nine new legal officer positions, all vacancies will not be filled before the summer of 2002. Even then, the new lawyers will not be fully employable for up to two more years. Our priorities will continue to be: management of mandated taskings first; complying with SLAs second; and servicing other demands as resources become available.	

KEY PERSPECTIVE: Resource Management
PERFORMANCE MEASURE: Productive Work Environment
PERFORMANCE SUBMEASURE: Regular Force Component
PERFORMANCE INDICATOR: Lawyers with Specialized Training

<i>Description of GAP (deficiency)</i>	<i>IMPACT on PERFORMANCE</i>	<i>SUCCESS OF REMEDIAL ACTION</i>
<p><i>81 of our legal officer positions are annotated with specialty training requirements. With the loss of 7 qualified lawyers through FY 2001, only 44 (54.3 %) were qualified to these standards.</i></p>	<p>Strategies such as employing new lawyers where their individual specialties and interests could make the greatest impact have somewhat mitigated the impact on the quality and timeliness of our legal advice and services.</p>	<p>Our remedial measures have produced the results predicted last year. The improving trend continued, raising our compliance rating with training qualifications to 62.2 %. We are confident that, as we proceed with the training and education of legal officers, this performance gap will continue to close.</p>
	REMEDIAL ACTION	
	<p>The new Basic and Intermediate legal officer training programs together with realignment of position qualifications to our new professional development plan should close this gap over the next two to three years. Marked progress to should be evident by the end of this year.</p>	

KEY PERSPECTIVE: Quality Legal Services

PERFORMANCE MEASURE: Unserviced Demand

OUTPUT (Service Line): Field Legal Advice & Services

Description of GAP (deficiency)	IMPACT on PERFORMANCE	SUCCESS OF REMEDIAL ACTION
<p><i>In FY 2001, 218 of 10,993 field office service demands were not met (2 %). 100 of these unserviced demands arose from the central region (AJAG/Toronto), which received a record 2,364 demands.</i></p>	<p>AJAG Toronto had to defer some of the increased demand for legal services and refer a considerable number to JAG subject-matter experts. This caused uncertainty as to the source of legal advice for environmental commanders and competition for legal services between them and a number of other senior headquarters advisors. The result was diminished legal support to the decision-making process at senior levels.</p>	<p>This remedial action has been entirely successful. In the face of an 8 % increase in field office demands, the number of outstanding service requests in field operations decreased overall from 218 to 189 (13.3 %) in the six months since reorganization. In AJAG Toronto, outstanding services decreased by 61%.</p> <p>In a recent interview survey of Level One advisers at NDHQ, the principal clients most affected by the JAG reorganization observed significant improvement in the timeliness of legal services provided and expressed general satisfaction with JAG services overall.</p>
	<p>REMEDIAL ACTION</p>	
	<p>The new AJAG Ottawa field office, approved by the DM and CDS, will restore a high caliber service to NCR unit commanders and Environmental Chiefs of Staff (ECSs). It will also relieve the pressure in the other field offices by spreading the legal service demand equitably among more lawyers. While it will take several months for the new office to impact this performance gap, the next performance report should reflect a much lower level of unserviced demand in the Canadian field offices.</p>	

KEY PERSPECTIVE: *Quality Legal Services*
PERFORMANCE MEASURE: *Unserviced Demand*
OUTPUT (Service Line): *International Law*

Description of GAP (deficiency)	IMPACT on PERFORMANCE	SUCCESS OF REMEDIAL ACTION
<p><i>Demand for the services of the Directorate of International Law more than doubled in FY 2001 from the previous year. It has not been possible to keep up with the pace and complexity of the workload.</i></p>	<p>Our greatest concern in FY 2001 was the lack of legal advice provided in the areas of International Air and Space Law, Cyber-space Law, Arms Control Law, Disarmament Law, Law of the Sea and a host of bilateral agreements on Continental defence matters.</p>	<p>Following 11 Sep 01, the rate of service demands for the Int'l Law directorate tripled. It was noted in the previous column that JAG resources will be brought to bear to crisis manage. Crisis management has been the only remedial action we have been able to apply to this extremely heavy workload. The level of Unserviced demand remains high, though only very low priority work is affected.</p>
	<p>REMEDIAL ACTION</p> <p>An additional legal officer position in the International Law Directorate will be staffed in APS 2002. While this is not an immediate solution, the level of risk represented by this performance gap is considered low, in that we have the resources to manage a crisis but we cannot be proactive in all front line areas of international law.</p>	

KEY PERSPECTIVE: *Quality Legal Services*

PERFORMANCE MEASURE: *Timeliness of JAG Military Justice Directorates*

OUTPUT (Service Line): *Prosecution Services*

Description of GAP (deficiency)	IMPACT on PERFORMANCE	SUCCESS OF REMEDIAL ACTION
<p><i>The Director of Military Prosecutions (DMP) achieved a prosecution service timeliness rating of 42.3% against self-imposed timeliness criteria. This was an unacceptable result. While systemic military justice system inefficiencies play a roll in this performance gap, resource deficiencies are the biggest single factor.</i></p>	<p>The lack of timeliness of prosecution services can mean, in some cases, justice delayed. This could impact command and control and is of particular concern in the operational context. There may also be an adverse legal impact.</p>	<p>The additional legal officers have made some of the predicted impact in overcoming this performance gap - a 6 % increase in timeliness and a 10 % increase in SLA compliance with CFNIS. Unfortunately the new lawyers were inexperienced and required considerable training and mentoring, delaying the full impact of their efforts.</p>
	<p>REMEDIAL ACTION</p>	
	<p>The addition of three more qualified prosecutors will make a very positive impact on this performance gap. In order to ensure that the entire area of timeliness is fully addressed, a review of the processes and procedures under the control of the DMP is being conducted to eliminate inefficiencies. In addition, the DMP Reserve Force Component will be fully staffed, trained and functional by the close of FY 2001.</p>	<p>The Reserve Force Component of the Prosecution Service was not fully staffed and operational owing to high attrition and slower than anticipated recruiting.</p> <p>The matter of DMP service timeliness is fully addressed in the JAG military justice Annual Report.</p>

Note 1: It is important to note that the timeliness criteria are not statutory but are self-imposed, aimed at prosecutorial efficiency while assuring inclusiveness and transparency. Failure to meet DMP timeliness targets means that efficiency has been sacrificed to ensure inclusiveness and transparency in prosecution activities. It does not necessarily mean that justice has been unreasonably delayed: a fact born out by court martial decisions and the CMAC in its consideration of appeals during FY 2002.

Note 2: In any given case the time required to get to trial must be considered against, inter alia, the nature of the incident, the complexity of the resulting charges, the availability of defence counsel and the need to ensure that the issuing of subpoenas to military witnesses adequately respects the operational taskings of the unit to which those witnesses belong.

JAG Annual Performance Report - FY 2002

6.3 THE SUSTAINING AGENDA (RUNNING THE BUSINESS)

6.3.1 Resource (*Inputs*) Management

The actual performance results for FY 2002 in each measure of resource management follow. Deficient areas of performance that require remedial attention are addressed in Section 6.5.

Personnel Resources:

<i>Performance Measure:</i>	<u>WELL-BEING OF THE TEAM</u>
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<i>Performance Sub-measure:</i>	<u>HEALTH INDEX</u>
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Notes 1 & 2

<i>Performance Indicators</i>	<i>Prior Year Actual Values</i>	<i>PLANNED FY 2002</i>	<i>ACTUAL FY 2002</i>	<i>Percentage of Target</i>
<i>Sick Days</i>	1,140	1,622	1,028	136.6 %
<i>Travel Days</i>	2,501	2,178	2,520	84.3 %
<i>Vacation Days</i>	3,841	4,889	4,889	100 %
<i>Retirements</i>	4	1	3	0 %
<i>Grievance Cases</i>	6	0	8	0 %
<i>Discipline Cases</i>	0	0	0	100 %
<i>Parental Leave</i>	213	0	0	100 %
<i>All Indicators</i>	76.6 %			88.2 %

Note 3

Note: 1 Fewer than anticipated sick days is a positive result that exceeds the target performance.

Note: 2 This measure includes military as well as civilian days away from work due to illness. The planned value reflects the civilian entitlement of 1¼ days per month and includes a sick day allowance of ½ day per military person per month to provide a comparative for the measure.

Note: 3 Colour Code: Blue - Greater than 100% of target value;
 Green - Between 80 and 100 % of target value;
 Yellow - Between 50 and 80 % of target value; and
 Red - Less than 50 % of target value.
 Grey - No Data, indicator inactive.

Evaluation of this Performance Sub-measure. Unplanned attrition and grievances, events we cannot control, detracted from a glowing Health Index though it is much improved over the prior year. We view these detractors as inevitable by-products of stress placed on the workforce by consistently heavy and unrelenting workloads. While no specific remedial measure is planned to eliminate grievances and premature attrition, relieving workplace stress through improving the work environment and exploiting an effective communication strategy should improve these low-performing indicators.

Performance Measure: **WELL-BEING OF THE TEAM**

Performance Sub-measure: <u>RESOURCE CAPACITY</u> (ability to meet mandated legal taskings)				
Performance Indicators	Prior Year Actual Values	PLANNED FY 2002	ACTUAL FY 2002	Percentage of Target
Days in Court: <i>Director of Military Prosecutions</i>	144	214	214	100 %
Days in Court: <i>Director of Defence Counsel Services</i>	104.5	108	108	100 %
Days delivering legal training.	186	261	311	118.9 %
Days of operational deployment of legal officers	1,631	2424	2518	103.9 %
Total all Indicators	2,065	3006	3150	104.8 %

Evaluation of this Performance Sub-measure. The performance result is that we operated at 104.8 % of anticipated capacity last year fulfilling all mandated taskings. Within this aggregate assessment we applied the notion that more business is good business to all performance indicators. We were more productive in each mandated legal tasking than in the prior year and, overall, our capacity proved to be 53% greater.

Assessment of the Performance Measure – Well-being of the Team. Our balanced scorecard to assess the well-being of our defence team includes the sub-measures ‘Health Index’ and ‘Resource Capacity’. One gages our physical state and contentment with our lot, while the other assesses our ability to meet specific mandated legal services. Together they measure our stamina in contributing meaningfully to the Defence Mission. In this past year we earned a 96.5% performance rating in this measure. This is a 7% improvement over FY 2001. It is attributable to the addition of more lawyers to the establishment, the gaining of critical experience on the part of many junior legal officers, an improved working environment and a consistent communication strategy.

<i>Performance Measure:</i>	<u>PRODUCTIVE WORK ENVIRONMENT</u>
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<i>Performance Sub-measure:</i>	<u>FORCE GENERATION: REGULAR FORCE COMPONENT</u>
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<i>Performance Indicators</i>	<i>Prior Year Actual Values</i>	<i>PLANNED FY 2002</i>	<i>ACTUAL FY 2002</i>	<i>Percentage of Target</i>
<i>Legal Officer Strength vs. Establishment</i>	89	100	93	93 %
<i>Legal Officer Recruiting</i>	8	13	13	100 %
<i>MLTP Graduates</i>	2	2	2	100 %
<i>Number of Trained LEGs</i>	64	76	76	100 %
<i>Professional Development Training Days</i>	919	892	1005	112.7 %
<i>Lawyers with Specialized Training</i>	44	82	51	62.2 %
<i>DMP Ethics Training</i>	-	28	27	96.4 %
<i>Total all Indicators</i>				81 %

Evaluation of this Performance Sub-measure. The concerted training effort we put into effect over a year ago to overcome a serious experience gap has produced 12 fully qualified new legal officers. Advanced training and education has progressed with similar resolve, raising the number of lawyers with specialized training to an acceptable level. Our Force Generation programs (Recruiting and the Military Legal Training Plan) produced the required quotas for FY 2002 and we can look to the future with justified optimism.

JAG Annual Performance Report - FY 2002

<i>Performance Sub-measure:</i> <u>RESERVE FORCE COMPONENT</u>				
<i>Performance Indicators</i>	<i>Prior Year Actual Values</i>	<i>PLANNED FY 2002</i>	<i>ACTUAL FY 2002</i>	<i>Percentage of Target</i>
<i>Legal Officer Strength vs. Establishment</i>	53	62	53	85.5 %
<i>Parade State (days)</i>	1,992	1,992	1474	74 %
<i>Personnel Development</i>	18	187	187	100 %
<i>Total all Indicators</i>				79.7 %

Evaluation of this Performance Sub-measure. The above data for personnel development demonstrate the positive effect of our strategy to integrate Reserve legal officers into the Reg. Force professional development training program. The data for parade state are not as favourable. The reason for this is an 8.63 % pay raise against a fixed budget. This resulted in depletion of budgeted resources early on in the fourth quarter and consequent curtailing of Reserve parading. This year, funding for JAG PRL has been increased by \$200K, which should restore full and active participation of Reserve legal officers in legal service delivery. That being said, Reservists were no less productive to our operations last year than in the prior year. Six Reserve Force legal officers were called up on Class “C” service in FY 2002 for a combined 47 months of continuous duty as compared to three officers and 20 months in FY 2001.

<i>Performance Sub-measure:</i> <u>CIVILIAN WORKFORCE</u>				
<i>Performance Indicators</i>	<i>Prior Year Actual Values</i>	<i>PLANNED FY 2002</i>	<i>ACTUAL FY 2002</i>	<i>Percentage of Target</i>
<i>Civilian Staff vs. Established Positions</i>	70 - 72.9 %	93	84	90.3 %
<i>Staffing Time (new indicator)</i>				
<i>Personnel Development</i>	224.3	160	217	136 %
<i>Total all Indicators</i>				113.1 %

Evaluation of this Performance Sub-measure. While we are not, as yet, tracking staffing time, the staffing rate of permanent positions has markedly improved over the past year.

JAG Annual Performance Report - FY 2002

Fewer training days were planned last year in anticipation of tailoring civilian professional development training to the needs of each position. This plan did not achieve full implementation with the result that opportunity training was again offered to employees and more training than planned resulted. Rigor has been built into our civilian personnel development plan and job-related training will be the focus for the current year.

<i>Performance Sub-measure:</i>		<u>MANDATED GOVERNMENT PROGRAMS</u>		
<i>Performance Indicators</i>	<i>Prior Year Completed</i>	<i>PLANNED Deliverables</i>	<i>COMPLETED Deliverables</i>	<i>Percentage of Target</i>
<i>Employment Equity Plan/Report</i>	2	4	2	50 %
<i>Mil. Establishment Change Report</i>	1	1	1	100 %
<i>Official Languages Report</i>	1	1	1	100 %
<i>Priority Manning & PG Req'ts Plan</i>	1	1	1	100 %
<i>Ethics Awareness Training</i>		5	5	100 %
<i>Production Req'ts Plan/Report</i>		1	1	100 %
<i>Total all Indicators</i>				85 %

Evaluation of this Performance Sub-measure. There were three mandated government programs and three horizontal functional programs monitored in this sub-measure last year. The military Employment Equity report and plan were late again this year resulting in a low performance rating in that indicator. Over all, our performance respecting mandated programs is within acceptable levels.

Assessment of the Performance Measure – Work Environment. Staffing of Regular, Reserve Force and civilian positions progressed according to plan as did professional development training and the work environment expanded to provide all employees with appropriate accommodation. These positive efforts have resulted in a generally satisfied, healthy and productive personnel organization.

Financial Resources:

<i>Performance Measure:</i>	<u>FINANCIAL MANAGEMENT</u>
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<i>Performance Indicators</i>	<i>Prior Year Actual Values</i>	<i>PLANNED FY 2002</i>	<i>ACTUAL FY 2002</i>	<i>Percentage of Target</i>
Budget Management:				
<i>Budget</i>	\$7.6 Million	\$8.4 Million		
<i>Expenditures</i>	\$7.29 Million		\$7.55 Million	110 %
Effective Planning - Return of Surplus funds to the Centre	6 %	0 %	9 %	200 %
Efficient Use of Resources:				
<i>Timeliness of Payments</i>	100 %	100 %	99.9 %	99.9 %
<i>Protection of Resources</i>	Material Loss \$0.00	\$0.00	\$150.00	0 %
Strategic Investment	5.5 %	4.7 %	6.4 %	132.6 %
Cost Efficiency (ABC)	\$12.65 M	\$15.73 M	\$13.4 M	114.8 %
Total all Indicators				112 %

Note: The Activity-Based Costing (ABC) model was applied this past year to track JAG expenses against planned costs for each Capability Program to which we contribute. Unlike the budget management performance indicator, ABC factors in military pay costs providing a measure of cost-efficiency in the delivery legal services to Capability Programs.

Assessment of the Performance Measure – Financial Management. According to the evaluation of these six financial management performance indicators the Office of the JAG has planned expenditures efficiently, has managed accounts effectively, within budget, and has incurred one relatively small financial loss this past year (a cellular phone).

Performance Summary - Resource Management (INPUTS).

<i>Key Perspective:</i>	<u>RESOURCE MANAGEMENT</u> <i>(managing the Inputs)</i>	
<i>Performance Measures</i>	<i>Previous Year (FY 2001) Percentage of Target</i>	<i>Last Year (FY 2002) Percentage of Target</i>
Well-being of Defence Team	89.5 %	96.5 %
Productive Work Environment	89.4 %	91.5 %
Financial Management	110.5 %	112 %
Total all Measures	96.5 %	100.1 %

JAG Annual Performance Report - FY 2002

All three measures of how efficiently and effectively the Office of the JAG has managed the resources provided to sustain its day-to-day business show higher performance ratings for FY 2002 than in the previous year.

6.3.2 Quality Legal Services (*Outputs*)

The following charts provide actual performance results for FY 2002 each measure covering JAG legal service outputs to clients:

Client demands for legal advice and services:

<i>Performance Measure: <u>SERVICE DEMAND</u> (client demands for legal advice and services)</i>				
<i>Outputs (Service Lines)</i>	<i>Prior Year Demand FY 2001</i>	<i>PLANNED DEMAND FY 2002</i>	<i>ACTUAL DEMAND FY 2002</i>	<i>Percentage of Target Reached</i>
<i>Prosecution Services</i>	356	360	355	98.6 %
<i>Defence Services</i>	812	817	647	79.2 %
<i>Military Justice Policy & Research Services.</i>	278	180	231	128.3 %
<i>Human Resource Legal Services</i>	556	548	711	129.7 %
<i>Military Legal Education Services</i>	New organization in FY 2002	84	104	123.8 %
<i>Legal Training Services</i>	Began reporting in FY 2002	46	46	100 %
<i>Operational Legal Services</i>	1,291	1,338	2,561	191.4 %
<i>Field Office Legal Advice & Services</i>	10,993	11,321	11,864	104.8 %
<i>International Law Advice & Services</i>	283	277	956	200 %
<i>Total JAG Mandate</i>	14,569	14971	17,475	116.7 %

Note: 1 The Directorate of Military Justice Policy & Research (DLaw/MJP&R) planned to expend most of their effort in the JAG's strategic agenda where they manage all of the military justice Legal Stewardship initiatives developing policy and enhancing the fairness and transparency of the military justice system. Most of the client services they perform derive from the CF National Investigative Service (CFNIS). CFNIS is becoming a significant client, steadily increasing the MJP&R workload each year. An SLA may be required in the future.

Note: 2 The vast increase in the service demands of the operational and international law directorates reflect the change in corporate priorities following the events of Sep 11th.

Assessment of the Performance Measure – Service Demand. The number of client demands for JAG legal advice and services were 20 % higher than in FY 2001 and they exceeded our plan by nearly 17 %. The greatest increases are in operational and international law (123%). The table below reveals the extent to which we have been able to cope with this extraordinarily high level of client demand.

JAG Annual Performance Report - FY 2002

Performance Measure: **SERVICE REACH**
 = number of services actually performed (reaching the client)

<i>Outputs (Service Lines)</i>	<i>Prior Year Service Reach FY 2001</i>	<i>PLANNED SVC. REACH FY 2002</i>	<i>ACTUAL SVC. REACH FY 2002</i>	<i>Percentage of Target Reached</i>
<i>Prosecution Services</i>	356	355	355	100 %
<i>Defence Services</i>	812	647	647	100 %
<i>Military Justice Policy & Research</i>	289	180	199	110.6 %
<i>Human Resource Legal Services</i>	539	548	700	127.7 %
<i>Military Legal Education Services</i>	New organization in FY 2002	84	103	122.6 %
<i>Legal Training Services</i>	Began reporting in FY 2002	46	46	100 %
<i>Operational Legal Services</i>	1,295	1,338	2,543	190.1 %
<i>Field Office Legal Advice & Services</i>	10,775	11,321	11,574	102.2 %
<i>International Law Advice & Services</i>	242	277	849	200 %
<i>Total JAG Mandate</i>	14,308	14,796	17,016	115 %

Note 1

Note: 1 Both Prosecution and Defence Directorates must meet all military justice demands for services in order to comply with the rights and standards set out in the *Canadian Charter of Rights and Freedoms*. Prosecution services comprise pre- and post-charge screening, non-preferrals, pre-trial withdrawals, courts martial and appeals. Defence services include duty counsel consultations as well as courts martial.

Assessment of the Performance Measure – Service Reach. Over all, the Office of the JAG delivered 2,708 (18.9 %) more client services last year than in the previous year. Our ability to achieve this level of output is tied directly to the increase in our legal officer establishment, approved through the business planning process on 02 Mar 2001. Our ability to justify this increase is tied directly to our use of results-based performance management. Another factor that contributed significantly to our improved productivity was the increase by 12 in the number of legal officers who have become fully operationally trained over the period.

JAG Annual Performance Report - FY 2002

The table below highlights the unserved demand:

Performance Measure: UNSERVICED DEMAND
(Demand minus Service Reach)

<i>Outputs (Service Lines)</i>	<i>Prior Year Unserviced FY 2001</i>	<i>PLANNED UNSERVICED FY 2002</i>	<i>ACTUAL UNSERVICED FY 2002</i>	<i>Percentage of Target Reached</i>
<i>Prosecution Services</i>	0	0	0	100 %
<i>Defence Services</i>	0	0	0	100 %
<i>Military Justice Policy & Research Services.</i>	(11) Note 2	0	32	0 %
<i>Human Resources Legal Services</i>	10	9	11	77.8 %
<i>Military Legal Education Services</i>	New organization in FY 2002	1	1	100 %
<i>Legal Training Services</i>	Began reporting in FY 2002	0	0	100 %
<i>Operational Legal Services</i>	(4) Note 2	11	18	36.4 %
<i>Field Office Legal Advice & Services</i>	218	101	290	0 %
<i>International Law Advice & Services</i>	314	1	107	0 %
<i>Total JAG Mandate</i>	527	123	459	0 %

Note 1

Note 3

Note 4

Note: 1 Both Prosecution and Defence Directorates must meet all military justice demands for services in order to comply with the rights and standards set out in the *Canadian Charter of Rights and Freedoms*.

Note: 2 Indicates that more work was done in the year than was tasked within the year. This occurs when all in-year taskings are met and backlogged work (Unserviced demand) from the prior year was reduced.

Note: 3 Planned Unserviced demands are the Service Demands received in FY 2002 that have due dates in the new fiscal year. They remain in the system as Unserviced until they have been completed but they do not detract from JAG performance.

Note: 4 Most of these Unserviced Demands are Crown liability files that for which the legal work is done but the files are held open pending action external to the Office of the JAG. These open claims files do not detract from JAG performance and remedial action is not indicated.

Assessment of the Performance Measure – Unserviced Demand. Overall, the actual number of outstanding service demands represents less than 2 percent of our business last year, which is an acceptable level of performance that does not call for broad corrective measures. This is particularly true in the face of an increase in business of 123% (1574 to 3517 service demands) in the operational and international law arenas. It is understandable that 113 of those demands might be delayed.

Performance Measure: **COMPLIANCE with SERVICE LEVEL AGREEMENTS**
(on time legal services)

<i>Outputs (Service Line)</i>	<i>Prior Year Compliance FY 2001</i>	<i>SVCS SUBJECT to SLAs FY 2002</i>	<i>COMPLIANT SERVICES FY 2002</i>	<i>Compliance Rating FY 2002</i>
<i>Prosecution Services (NIS)</i>	75 of 138 (54.3%)	101	65	64.4 %
<i>Human Resources Legal Services</i>	241	311	286	92 %
<i>Operational Legal Services</i>	700	941	919	97.7 %
<i>Field Office Legal Advice & Services</i>	6,864	6764	6158	91 %
<i>Total Mil. Law Directorates</i>	7,889	8117	7428	91.5 %

Assessment of the Performance Measure – SLA Compliance. This table displays the effects of greatly increased demand overall (20 %) impacting upon human resources legal services as well as operations. Steady improvement in the SLA compliance of the Prosecution Service with the CFNIS is apparent and this matter is discussed further in the JAG Annual Report on the administration of military justice in the CF. The reduction in Field Office compliance represents late delivery of services owing to heavy operational deployment. Ten of twelve deployed legal officers last year were drawn from the field, decreasing the ability of those units to meet time parameters of day-to-day legal service demands. It is laudable that 91% were on time.

Timeliness of the JAG military justice directorates is not based upon SLAs but on statutory requirements, ethical and moral implications as well as self-imposed time parameters. The table that follows displays the timeliness performance results of the prosecution and defence services as well as those of the Directorate of Law/ Military Justice Policy and Research (DLaw/MJP&R).

JAG Annual Performance Report - FY 2002

Performance Measure: **TIMELINESS of
JAG Military Justice Directorates**

<i>Service Line</i>	<i>Prior Year On Time Services FY 2001</i>		<i>On Time Services (ratio) FY 2002</i>	<i>Percentage On Time FY 2002</i>
Prosecution Services:				
- Non-Preerrals	18/32	56.3 %	24/51	47.1 %
- Post-charge Screening	26/111	23.4 %	37/116	31.9 %
- Appeal factums	2/5	40 %	9/14	64.3 %
TOTAL	46/148	31.8 %	70/181	38.7 %
Defence Services	51/51	100 %	48/48	100 %
Military Justice Policy & Research Services.	225/278	80.9 %	184/199	92.5 %
TOTAL Military Justice Services	325/625	52 %	302/428	70.6 %

Assessment of the Performance Measure – Timeliness of JAG Mil. Justice Directorates.

The Canadian Military Prosecution Service has improved upon but not overcome the timeliness concerns, with which it has struggled during its two years of operation. There remain some systemic inefficiencies but a prime cause of prosecution delay has been the lack of training and experience among the many new legal officers appointed to DMP positions. It is also striving to strike a balance between efficiency, inclusiveness and transparency in its prosecution functions. This matter is fully discussed in Chapter 3 of the JAG Annual Report on the administration of military justice in the CF.

Performance Measure: **CLIENT SATISFACTION SURVEY**
(Results of 'questionnaire' survey of 136 clients, Mar 2002)

<i>Response Category</i>	<i>Prior Year Results FY 2001</i>	<i>STANDARD EXPECTED FY 2002</i>	<i>SURVEY RESULTS FY 2002</i>	<i>Percentage of Standard Attained</i>
Quality of Legal Services		3.5	4.2	121.1 %
Timeliness of Legal Services		3.0	3.6	120.7 %
Interpersonal Relations		4.0	4.5	112.3 %
Total Mil. Law Directorates		10.5	12.4	117.6 %

Assessment of the Performance Measure – Client Satisfaction Survey. This quality measure of JAG performance sustains the evidence of the other output indicators that predict high levels of client satisfaction with JAG legal services. While there is always

JAG Annual Performance Report - FY 2002

room for improvement, it is reassuring to have clients express high regard for our hard work and dedication to their needs. It is a strong endorsement of our Sustainment Agenda.

Performance Summary - Quality Legal Services (OUTPUTS).

<i>Key Perspective: QUALITY LEGAL SERVICES</i>				
<i>(managing the Outputs)</i>				
<i>Performance Measures</i>	<i>Previous Year (FY 2001)</i>		<i>Last Year (FY 2002)</i>	
	<i>Result</i>	<i>% of Target</i>	<i>Result</i>	<i>% of Target</i>
<i>Service Demand</i>	15,373	113.7 %	17,475	116.7 %
<i>Services Completed</i>	14,846	109.8 %	17,016	113.7 %
<i>Services Outstanding</i>	527	0 %	336	0 %
<i>SLA Compliance</i>	7,899	96.9 %	7,428	91.5 %
<i>Timeliness Mil. Justice Directorates</i>	397	61.6 %	302	70.6 %
<i>Timeliness Service Estates</i>				
<i>Client Satisfaction Survey</i>			12.4	117.6 %
<i>Total all Measures</i>		79.1 %		89.5 %

JAG directorates and field offices coped well with a 20 % increase in demand last year. Our 27 largest clients, with whom we have SLAs, received our highest priority and full service with an acceptable success rate in service delivery on SLAs. Overdue service was reduced to 336 outstanding demands last year from 527 in FY 2001. Overall, our performance rating in output delivery has improved by over 10%, moving from marginally acceptable to fully satisfactory in FY 2002. These quantitative results are validated by two client satisfaction surveys.

JAG Annual Performance Report - FY 2002

6.4 STRATEGIC CHANGE AGENDA (JAG STRATEGY 2020)

6.4.1 Legal Stewardship (progress in achieving *Outcomes*)

Strategic Goal: **Promote confidence in the Canadian Military Justice System.**

Performance Measure: **Military Justice Enhancements**

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2001 - 31 March 2002)
Presiding Officers Certified	Completed for period	651 presiding officers trained and certified this past year compared to 540 planned.
Certification Training Courses Delivered	Completed for period	45 courses last year.
DAOD on Pardons and Conduct Sheets	Completed	Revised and implemented a DAOD on Pardons and Conduct Sheets to resolve issues associated with the <i>Criminal Records Act</i> .
Witness Expenses Policy	Completed	DDCS to develop a policy to appropriately compensate court martial witnesses.
DMP/CFNIS Communication Plan	Completed	Implement enhanced communications and work relationships between DMP and CFNIS.
Review Internet DAOD - MJ content/compliancy	Completed	MND tasking to ensure Internet DAOD complies with military justice requirements.
Arrest Warrant - QR&O	Completed	Produce Arrest Warrant QR&O 112 pursuant to s. 249.23 of the <i>NDA</i>
Statutory Amendments for Reserve F. Military Judges	Completed Phase I	Identify the regulations to be drafted to amend the <i>NDA</i> allowing establishment of a panel of part-time military judges.
CSD Committee	Completed for period	The Code of Service Discipline Committee, co-chaired by the CDS and JAG, held two meetings.
Mil. Justice Annual Report FY 2001	Completed	JAG Statutory Annual Report to MND on the Administration of MJ published.
Court Martial Delay - Oversight	Completed	Produce Strategic Paper on Issue of Court Martial Delay, brief all stakeholders (MJ Round Table, AFC, CSD Cttee.) produce JAG Directive implementing approved recommendations, promulgate CDS letter to the chain of command.
Mil. Justice Database	Completed	Implemented Phase II enhancement - Summary Trial charges database and retrieval system to improve effectiveness and timeliness of legal advice.
CMPS Annual Report	Completed for period	Annual report delivered to the JAG on the execution of DMP duties and functions.
Prosecutors' Workshop	Completed for the period	Organized and conducted a military prosecutors' workshop to improve legal education, create policy and increase efficiency and proficiency in military prosecutions.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2001 - 31 March 2002)
MJ Training for AJAG Chief Warrant Officers	Completed	Develop electronic training packages for AJAG Chief Warrant Officers on the Military Justice System.
Pamphlet - Impact of punishments awarded by service tribunals	Completed	Develop/Publish this pamphlet to provide the Public and the Chain of Command with a comprehensive understanding of the ancillary consequences of punishment awarded by service tribunals.
16 Projects Completed for the year.		
Policy Review: Civilian Defence Counsel	On Schedule	Review the policy on the employment of civilian defence counsel in foreign criminal court to represent CF members
Sentencing Options	On Schedule	Review of recommendation 40.31 of Somalia Commission of Inquiry Report recommending that sentencing options such as community service, conditional sentences and fines be made available to service tribunals. Formulate a recommendation respecting implementation.
Provision of Information to Assisting Officers and Accused persons	On Schedule	Develop process to improve the understanding of assisting officers and accused persons on their right to provision of case/charge information.
Victim Statements at Courts Martial	On Schedule	Develop regulatory provisions for introduction of Victim Statements before courts martial.
Mil. Justice Annual Report FY 2002	On Schedule	JAG Statutory Annual Report to MND on the Administration of MJ in production.
Court Martial Database	On Schedule	Develop a Court Martial database and reporting system, consolidating information found in various formats within CMJ, DMP, DDCS, MJP&R and the Law Library, eliminating duplication.
Element of Offences Manual	On Schedule	The handbook of essential elements for CSD offences, a resource for NIS military police and lawyers, is in translation preparatory to publication.
Pamphlet - Investigation & Charging Process	On Schedule	Develop/Publish this pamphlet to educate all members on the process of investigation and laying of charges.
Guide to the Accused & Assisting Officers	On Schedule	Update the guide (principal tool for assisting officers and others involved in the summary trial process) with the latest regulatory & statutory changes.
MJ Training to CMAC Judges	Behind	Provide a training package to CMAC judges, introducing them to the administration and intricacies of the Military Justice system.
Establish the 5 Year Mil. Justice Review Process	Behind	Establish the review group and identify all problems and deficiencies in the current statutory regime.
AIA Review	Phase II Behind	Implement JAG recommendations to ATI Task Force on <i>Access to Information Act</i> issues relevant to the military justice system.
Concurrent Jurisdiction Policy	Behind	Develop policy to address discipline issues where concurrent jurisdiction exists between the CF & Civil authorities. Awaiting CPIC amendments to Bill C 15

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2001 - 31 March 2002)
AJAG Auditing Function	Behind	Develop advisory & assisting function for AJAG Chief Warrant Officers to ensure that units comply with their military justice procedural requirements for reporting and seeking legal advice.
CRS Audit of JAG MJ Review Function	Behind	CRS to conduct an independent audit of effectiveness of JAG's Military Justice review/reporting function in continuing the renewal process.
Disciplinary Regulatory Control Mechanism	Behind	Establish a mechanism to monitor and control compliance with regulatory functions of the CF discipline system.
Appellate Counsel Handbook	Behind	This education resource, designed to improve the appeal process, is in first draft.
17 Projects in train, of which 8 are behind schedule.		
Re-certification Training Program	Future Project	Develop and issue re-certification training packages to delegated officers.
Fingerprinting <i>NDA</i> Amendment	Future Project	<i>NDA</i> amendment to ensure offenders convicted of service offences recorded by the identification regime of the <i>Identification of Criminals Act</i> .
Trial Counsel Allowance (TCA)	Being Developed	The Treasury Board approved a court allowance for Reserve defending officers and prosecutors. Implementation schedule to follow.
3 Projects in the development stage.		

Performance Measure: *Military Justice Outreach Program*

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Heads of Federal, Provincial & Territorial Prosecutors Committee	3 of 3 Meetings Attended	DMP participation in meetings of the inter-jurisdictional Heads of Federal, Provincial & Territorial Prosecution Committee.
CBA Mil Law Section	Planned activity attended.	Participation in the activities of the National Military Law Section (NMLS) has 3 Mil. Justice outcomes: 1. Expand knowledge of the Mil. Justice System within the civilian legal community; 2. Establish a forum to exchange & develop ideas for benefit of CF & the MJS; and 3. Provide the vehicle through which JAG lawyers may contribute to the legal profession.
Military Rules of Evidence Review	Completed Phase I	Policy perspective finalized by MJ Round Table pursuant to the review Military Rules of Evidence report generated by Professor Delisle in 1998.
MJ Articles - JAG Newsletter	Completed for period	Monthly articles on the Canadian Military Justice System to be produced for publication.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Maple Leaf - Article	Completed	Produce for publication an article on the Investigation and Charging Process in the MJS.
JAG Advisory Panel	1 of 2 Completed	Established to provide an external perspective on military justice policy issues, two panel sessions were planned but only one could be convened.
International Association of Prosecutors	Behind	It was intended that military prosecutors participate in one selected activity of this association. Workload precluded participation last year.
5 Projects completed as planned, 1 partially completed, 1 unattended.		
CAAFL Participation	Future Project	Participate in the Commonwealth Association of Armed Forces Lawyers to interrelate in areas of common interest in military law and military justice.
1 Project in the planning stage.		

Performance Measure: Military Justice Stakeholder Perception

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
M.J. Stakeholder Committee	Completed for the period	Conducted the annual meeting chaired by the JAG and membership being MND, Chief Justice of the CMAC, CDS, VCDS, CFPM, DMP, DDCS and the CMJ. This committee provides a formal, regular forum to address broad policy issues that impact upon military justice.
Interview Survey of Stakeholders	Completed for period	Obtain detailed opinions concerning identified military justice problem areas from target groups of stakeholders through the interview survey method.
Compliance Survey	Completed for period	Assess compliance of units with the regulatory requirements of the military justice system and publish results in the Military Justice Annual Report.
3 Projects completed as planned for the year.		

Summary of strategic goal:
Promote confidence in the Canadian Military Justice System.

Projects Completed	24	
Projects In Train	19	(10 Behind Schedule)
Projects underdevelopment	4	
Total Projects	47	

JAG Annual Performance Report - FY 2002

Strategic Goal: **Safeguard Canadian interests and values through enhanced military law services.**

Performance Measure: ***Operations Law Initiatives***

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Conduct LOAC Basic Courses	Completed	Planned to train 30, Actually trained 108
Conduct After Capture	Completed	Work with CF Provost Martial Staff to draft a policy governing conduct after capture.
POE/F 488A - Law of Armed Conflict	Completed	Develop LOAC course at the undergraduate level in English and French to be taught during Fall Term 02
3 Projects completed for the year.		
State Aircraft Immunity	On Schedule	This is a 3 year project to negotiate exemptions worldwide for over-flight and air navigation fees for Canadian State Aircraft in particular CF aircraft and to litigate to this end where necessary.
MOU - Migrant Smuggling	On Schedule	Participate with CIC and RCMP in preparation of an MOU on Migrant Smuggling.
Law Amendments	On Schedule	Identify and Initiate Law Amendments to improve application of the <i>NDA</i> by determining conflict created by amendments to other regulatory legislation. For example, changes to other legislation (<i>Canada Shipping Act, Canada Marine Act</i>) impact DND/CF.
Article 36 - Protocol I	On Schedule	Develop policies, regulations and orders with ADM(Pol) and CFLA/LRS in the negotiate of an IHL Agreement on creation of Article 36 to Additional Protocol I.
Remnants of War	On Schedule	Negotiation of a fifth Protocol to the 1980 Convention on Certain Conventional Weapons. ICRC has proposed that states accept significant new obligations that will involve significantly greater expense for CF procurement program and significant loss of operational flexibility. Our aim is to keep obligations reasonable.
Injury & Suffering Reduction	No activity in reporting period	An ICRC long term initiative to compel states to review the legality of weapons systems requires extensive improvements as it is based on flawed logic and is inconsistent with the Law of Armed Conflict.
Worldwide SOFAs	No activity in reporting period	Negotiating SOFAs with strategically significant countries throughout the world so that CF has appropriate privileges and immunities in all key regions of the world to facilitate CF operations.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Legal Analysis Group	Behind	Implement a Legal Analysis Group (LAG) to evaluate emerging legal issues for impact on DND/CF and to recommend strategic risk management solutions.
Ops Law Manual (for legal officers)	Behind	The Operations Law Manual, a work instrument for legal officers is in second draft.
Analysis - International Legal Issues	Behind	Conduct assessment and produce an analysis report with strategic recommendations on international legal issues in information operations.
NORAD, Basic Security Document, Combined Defence Plan, Ballistic Missile Defence	Behind	Ensure that documents, such as the draft Canada/US agreement concerning RADARSAT II, that are fundamental to continental defence reflect DND/CF priorities and policies.
DCDS 2/98 Re-write	Behind	Participate in re-writing Direction to Operational Commanders in the Conduct of Domestic Operations.
Ratification Paris Protocol	Behind	Support and steer DFAIT (the lead Department) and co-ordinate with PCO, DOJ, DOF, CIC etc with a view to expediting the ratification (including MC's, implementing legislation and associated orders) of the Paris Protocol by Canada.
Information Ops Policy	Behind	Participate in writing CF Information Operations Policy.
14 Projects in train, of which 7 are behind schedule.		
<i>Visiting Forces Act</i>	Future Project	Revise the <i>Visiting Forces Act</i> , SOF and MTAP agreements to provide the flexibility required to satisfy the DND/CF need for modern interaction with foreign armed forces.
LOAC Manual	Future Project	Produce a Law of Armed Conflict (LOAC) manual.
Interoperability Clearing House	On Hold	Establishing a clearinghouse to ameliorate current & future legally driven interoperability problems.
CANUS Defence Plan	Future Project	Provide advise on the writing of CANUS Defence Plan & ROE.
DND War Book	Future Project	Provide advise on the writing of the DND War Book (National Alert/Mobilization Plan).
Security - Visiting Forces Warships	Future Project	Participate in writing the national maritime policy for provision of security to visiting forces warships.
Continental Defence Policy	Future Project	Develop policies, regulations, orders with ADM(Pol) and CFLA/LRS on continental defence matters.
Fifth Protocol	Future Project	Develop policies, regulations and orders with ADM(Pol) and CFLA/LRS on International Humanitarian Law Agreements.
DAOD 5031 Collective Training	Future Project	Participate in the drafting of DAOD 5031 - Collective Training.
Produce Ops Law Course	2 Future deliverables	Develop an Operations Law course for legal officers and the CF and conduct courses.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
LOAC Training for the Trainers	2 Future deliverables	Develop a training course for future trainers of LOAC and conduct the courses.
Produce LOAC Basic NCM Course	2 Future deliverables	Develop a basic LOAC course for NCMs and officers at the DP2 level and conduct the courses.
Produce LOAC Intermediate Course	2 Future deliverables	Develop Law of Armed Conflict intermediate courses for the operational level and conduct the courses.
Produce LOAC Advanced Courses	2 Future deliverables	Develop advanced LOAC courses for the AMSC and NSSC and conduct the courses.
Produce LOAC Advanced Training for Colonels	Future Project	Develop advanced LOAC training/education packages for Col and above.
Produce LOAC Advanced Training for NCMs	Future Project	Develop advanced LOAC training/education packages for non-commissioned members.
Incorporate Reservists LOAC	Future Project	Develop methodology for incorporating JAG/PRL officers into LOAC training schema.
22 Projects are in the planning stage.		

Performance Measure: *Military Personnel Law & Advisory Initiatives*

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
DAOD-Summary Investigations and Board of Inquiry	On Schedule	Review, revise and implement the Summary Investigation and Board of Inquiry DAOD to reflect changes in the law including the <i>NDA</i> .
Mil Admin Law Manual	Behind	Provide an administrative guide to CO's to enable them to be more effective in performing their duties.
2 Projects in train, of which 1 is behind Schedule.		
Advanced Military Studies Course	Future Project	Course will be delivered at the Canadian Forces College.
Command Staff Course	Future Project	Rules of Engagement exercise planned.
2 Projects in the planning stage.		

Performance Measure: *Military Law Outreach Program*

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Inter-agency Cooperation Committee	11 planned meetings attended	Six meetings per year to strengthen inter-agency cooperation internationally and domestically. Participants are: OGD-DoJ/DFAIT, Provincial Gov'ts, Emergency preparedness agencies, Cdn Bar Assoc., National Committee on Humanitarian Law, ICRC,

JAG Annual Performance Report - FY 2002

		ICTY, ICTR, Key UN Organizations and Humanitarian Relief Organization.
CBA Mil Law Section	1 planned activity attended	Participation in the activities of the National Military Law Section (NMLS) has 3 military law outcomes: 1. Expand knowledge of Mil. Law within the civilian legal community; 2. Establish a forum to exchange & develop ideas for benefit of the CF & military law; and 3. Provide the vehicle through which JAG lawyers may contribute to the legal profession.
International Society of Mil Law & Law of War	2 planned meetings attended	Meetings are twice a year in Jun & Sep in Europe to discuss international military law and law of war issues.
3 Projects Completed for the year as planned.		

Summary of strategic goal:

Safeguard Canadian interests and values through enhanced military law services.

Projects Completed	6	
Projects In Train	16	(8 Behind Schedule)
Projects under development	24	
Total Projects	46	

Strategic Goal: **Continuously improve the core competencies of JAG lawyers enhancing public confidence in the Office of the JAG.**

Performance Measure: Innovative Leadership & Management Initiatives

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Enhance Personnel Plan	Completed	The first JAG Personnel Plan was produced in spring 1999. It must be updated to broadened PGT program. Rev 1 should be published by Jan 02
Enhance Comptrollership	Completed for period Project Ongoing	Build a solid base of knowledge among JAG RC managers by providing training in financial responsibilities, the accountability structure, financial analysis, exercising cost-effective controls, safeguarding assets and ensuring probity.
Implement Client Satisfaction Survey	Completed	A client survey to provide feedback from the client perspective on the quality and timeliness of the legal advice and services provided by JAG directorates and AJAGs has been developed and is under review.
Implement Military Justice Interview Survey	Completed	To assess compliance of units and members to the regulatory requirements of the Military Justice system.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
DoJ Intranet Connection - CIO Project # 17	Completed	To provide to users within the JAG & CFLA LAN frequent requirements for information from the DOJ intranet/internet and special applications.
Improved Firewall Access - CIO Project # 8	Completed	To provide access to files, applications and databases residing on the JAG & CFLA LAN to users working outside the JAG location.
JAG Performance Measurement System <i>pb views</i> on Intranet	Completed	All approvals and licenses are in place, the Intranet page is produced and publication is pending.
Obtain admin control of the JAG Reserve Force	Completed	Eliminate DMHRR from the Reserve Legal Branch administrative chain of command & assume full financial and administrative control of the JAG Reserve Force.
Infrastructure Upgrade - CIO Project # 7	Completed	Upgrade the Network infrastructure to the new 100mb/s standard, procure two CISCO 2900 series (100mb/s) Ethernet switches as replacements for the two existing CISCO 1900 (10mb/s) models, and reconfigure existing 10mb/s LAN connections.
Laptop Upgrade - CIO Project #1	Completed	Procure ten laptop computers to upgrade the current supply of notebooks in field offices.
Legal Opinions Database - CIO Project # 19	Completed	Provide an electronic centralized searchable databank of Legal Opinions for the JAG & DND CF/LA personnel.
JAG & LA Accommodation	Completed	Expand the legal services organizations in accordance with the requirements of external organizations [ADM(S&T), DAPP and CRes & Cds], the DND/CF LA and the JAG.
MS Office 2000 - CIO Project # 16	Completed	Provide to the employees of the JAG and DND CF LA access to the MS Office suite 2000.
NOS Upgrade - CIO Project # 15	Completed	Upgrade JAG Network Operating System to new version with additional functionality to be in-line with departmental standard.
Workstation Upgrade - CIO Project # 2	Completed	Procurement of new workstation to upgrade current supply and to accommodate new personnel.
Zenworks 3 Upgrade - CIO Project # 14	Completed	Upgrade JAG LAN ZENWORKS Application to new version with additional functionality for greater efficiency.
16 Projects completed last year.		
Increase Visible Minorities	On Schedule	Develop a JAG Diversity Plan that will increase representation of visible minorities through expansion of the Articling Student Program to 4 students and the Summer Student Employment Program in Ottawa and in the Regions to 12 students.
Practice Management Software Application Project	On Schedule	Acquire a law practice management application to support the performance measurement system, provide case management and research services on-line.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
Upgrade PMDSS - CIO Project # 12	On Schedule	<u>Phase 1</u> , is the enhancement and upgrade existing applications' functionality, convert HQ and regional databases from Access 97 to Access 2000. <u>Phase 2</u> , regional connectivity to a central database/repository for data sharing and ensuring data quality, timeliness and accuracy.
Remote Access Dial-up Connectivity - CIO Project # 24	On Schedule	Provide interconnectivity of all JAG CFLA NCR offices and with the field offices across Canada, on a single WAN.
War Packs Acquisition - CIO Project # 23	On Schedule	Acquisition, from the US Air Force with in-house development, of deployment kits for use by JAG military personnel on field assignments.
RMC Admissions Committee Review	On Schedule	Review applicant files for admission (expected approx 500 files) to the first year of all RMC undergraduate programs.
CDN Civics & Society POE 106 - RMC	Ongoing	Assist Royal Military College with weekly classes; by conducting one hour weekly tutorials; and with marking examinations & essays.
Records Management Policy Directive	Behind	A policy/directive that prescribes procedures to be followed in the processing of Ministerial Inquiries and ATIP requests and in managing JAG records is in second draft.
Intranet Deveopment - CIO Project # 18	Behind	The JAG / CF LA LAN has an increasing need for easy access to Information within it's own user-base. By implementing a true Intranet within the borders of the LAN, users can have immediate access to information through their Desktop Web Browser.
MJ Database Statistics - CIO Project # 13	Behind	Enhance Military Justice Database application. To provide to the JAG an application database for the capturing and monitoring of Military Justice Cases.
10 Projects in train, 3 behind schedule.		
Leadership Training	Future Project	Provide leadership and management training to legal officers.
Broaden PGT Program	Future Project	A review must be conducted of all legal officer positions to determine which training specialties apply, then the Post Graduate Training program must then be planned to achieve those requirements.
Expand The Paralegal Program	Future Project	A program to train NCMs, on loan from environmental commands, as paralegals was initiated with success last year. There are presently senior NCMs on loan with AJAG offices in Halifax, Victoria and Edmonton. It is planned to expand this program to AJAGs Toronto, Montreal and Winnipeg and to obtain authority for them to accompany legal officers on operational deployments.

JAG Annual Performance Report - FY 2002

PROJECT TITLE	STATUS	PROGRESS achieved in reporting period (01 April 2000 - 31 March 2001)
CCM+/Mercury - CIO Project # 37	Future Project	An ADM (Fin CS) initiative to implement a new work tool to track all in-coming correspondence through a centralized departmental system.
Document Assembly System - CIO Project # 34	Future Project	Implement Word Templates to standardize JAG letterhead and format and to facilitate PKI Entrust functionality.
PKI Entrust - CIO Project # 27	Future Project	Procure and install smart card readers on all JAG & CLFA workstations to permit the electronic processing dissemination of designated information up to and including Protected B.
SQL Server Migration - CIO Project # 11	Future Project	Implement new concept of data warehousing for the JAG & DND CF/LA. Centralized data will be captured once, eliminating duplication & minimizing data input errors. All existing databases will be redesigned & merged using VB-6 & MS SQL Server.
JAG as Mgt. Trg. Authority	Future Project	Assess the requirement for/feasibility of obtaining Management Training Authority for the JAG.
Amend OJT Program	Future Project	Review and Amend OJT Program.
9 Projects in the planning stage.		

Summary of strategic goal:

Continuously improve the core competencies of JAG lawyers enhancing public confidence in the Office of the JAG.

Projects Completed	16	
Projects In Train	10	(3 Behind Schedule)
Projects under development	9	
Total Projects	35	

Performance Summary – Legal Stewardship Key Perspective.

			<u>Prior Year</u>	
Projects Completed	46		20	
Projects In Train	45	(21 Behind Schedule)	37	(11 Behind)
Projects under development	37		22	
Total Projects	128		79	

A very challenging list of 128 projects, in various stages of development, filled out our strategic agenda last year. Substantial progress was made on 89 of them as compared to 57 in FY 2001 and 46 were completed (more than double the prior year). 70 of them met or exceeded scheduled progress compared to 46 in the prior year.

JAG Annual Performance Report - FY 2002

With such a large increase in production, one would expect to see a very high performance rating. This was not the case. In fact our performance rating in the strategic agenda dropped from the previous year's 80% to 77%, a result that is still very respectable and acceptable. The reason for this drop in performance rating is that we set the bar much higher last year than in the year before, made a lot more progress, but met a slightly lower percentage of our goal than we did in FY 2001.

The fact is that we have a very active and productive strategic plan that advances the yardsticks significantly, to a greater degree each year, toward fulfilling my vision for the Office of the JAG *that justice be done in defence of Canada*. New initiatives are constantly being developed to replace completed ones in our program of continuous improvement to mirror the evolutionary strategic process established in the Defence Strategy 2020 program.

6.5 CURRENT PERFORMANCE GAPS, IMPACT AND REMEDIAL ACTIONS

A new legal officer resource ceiling was approved on 02 Mar 01, adding nine legal officers to the JAG establishment over the next two years, six last APS and 3 in APS 02. This was a strategic solution to long-standing deficits in the Sustainment Agenda that has all but eliminated performance gaps. Two remaining problem areas persist in the Quality Legal Services Performance Perspective that should be overcome within the next 12 to 18 months.

KEY PERSPECTIVE: *Quality Legal Services*

PERFORMANCE MEASURE: *Unserviced Demand*

OUTPUT (Service Line): *International Law*

<i>Description of GAP (deficiency)</i>	<i>IMPACT on PERFORMANCE</i>	<i>REMEDIAL ACTION</i>
<i>Demand for the services of the Directorate of International Law tripled last year as a result of the events of 11 Sep 01. Despite our best efforts, 11 % of the Int'I Law service demands remained outstanding at year's end (106 of 956).</i>	<p>Unserviced (outstanding) demand should not exceed 2 % of the total demand placed on any organization. At 11%, the Int'l Law directorate is disproportionately strained. The high level of Unserviced demand has thus far affected only the lowest priority work.</p> <p>We continue to crisis manage much of the work which strains the whole organization.</p>	<p>We have studied the legal officer requirements for managing the day-to-day workload associated with the new corporate priority of "Responding to the new security environment". This applies to both international and operational law directorates.</p> <p>It is anticipated that a NORAD legal office position will be created and funded by PMB in the near future.</p> <p>In addition, a CF Information Operations Group (CFIOG) position may be created and staffed to relieve the post-911 stress on legal officer resources.</p>

JAG Annual Performance Report - FY 2002

KEY PERSPECTIVE: *Quality Legal Services*

PERFORMANCE MEASURE: *Timeliness of JAG Military Justice Directorates*

OUTPUT (Service Line): *Prosecution Services*

Description of GAP (deficiency)	IMPACT on PERFORMANCE	REMEDIAL ACTION
<i>The Director of Military Prosecutions (DMP) achieved a prosecution service timeliness rating of 38.7 %, which is a marginal (6 %) improvement from the prior year, but is still not acceptable. SLA compliance with CFNIS has improved to 64.4% (pre-charge screening).</i>	The lack of timeliness of prosecution services can mean, in some cases, justice delayed. This could impact command and control, which would be of concern in the operational context. There could also be an adverse legal impact.	Systemic changes within the military justice system take time to implement and evaluate. Similarly, the additional legal officers take time to indoctrinate, train and mentor. We are pleased that progress has been made and expect the trend to continue. As noted on page 18, DMP timeliness criteria are self-imposed and justice has not been unduly delayed thus far. The issue of prosecution timeliness is fully addressed in the JAG's military justice Annual Report.

One problem area was identified by audit as an erroneous performance result created by a nonconforming data recording procedure in the Crown liability service line. This is explained in the table below.

KEY PERSPECTIVE: *Quality Legal Services*

PERFORMANCE MEASURE: *Unserviced Demand*

PERFORMANCE SUBMEASURE (Division): *DJAG/Ops*

PERFORMANCE INDICATOR (Location): *Field Offices*

Description of GAP (deficiency)	IMPACT on PERFORMANCE	REMEDIAL ACTION
<i>60% of the Unserviced demands in field offices consist of open files for Claims by and against the Crown. Audit observations and follow-up show that many of these files are held open pending action by third parties following completion of the JAG legal work.</i>	Leaving these files open artificially inflates the number of accountable outstanding (unfulfilled) legal services. There is no impact on AJAG, DJAG/Ops or overall JAG performance. This is a data management problem with the PMDSS that will be corrected by a process change.	This problem will be overcome by changing the data recording procedure respecting Crown liability. Files will be closed when the AJAG's obligation is completed, usually when he signs off a letter identifying the value of the claim to the third party.

6.6 SUMMARY OF PERFORMANCE ACCOMPLISHMENTS – RESULTS FOR CANADIANS

Running the Business (the Sustainment Agenda)

6.6.1 Resource (Inputs) Management

We have shown, in Annex A, Figure 2, how the Resource Management key perspective of our performance measurement framework links directly to the Defence Mission and Capability Programs and how it is focussed on corporate priorities such as putting people first and optimizing Force structure (both Regular and Reserve components) to meet all Defence Tasks. We have demonstrated our high level of support for mandated government programs to promote a work environment free from prejudice and supportive of organizational and individual performance and learning. We have provided detailed evidence of our fastidious management and control of public funds and fixed assets (112% performance rating).

The net result of our 84 Resource Management indicators of performance is a 100.1 % performance rating. Our expenditures were only 3.5 % more than in FY 2001, only slightly above the inflation rate. Canadians can be well assured that the Judge Advocate General has made the most efficient use of the people, dollars and other assets entrusted to him to ensure that the Defence Mission was carried out in accordance with the rule of law.

6.6.2 Provision of Quality Legal Services (Outputs)

Annex A, Figure 3, illustrated how each of my functional organizations directly contributed to Defence Objectives and the Capability Programs to support the Defence Mission. We improved our performance rating in this area by over 10 % to 89.5 % and are able to confidently declare, verified by reliable client feedback, that we have fulfilled all required legal services in the defence program to safeguard Canadian interests or values. We completed all courts martial and related activity required of us, we met each tasking for deployed operations, we conducted all of the legal training that was asked of us, and more, and we fulfilled our client service agreements for legal advice and services.

What made major inroads into FY 2001's high level of unsatisfied demands for service, reducing their rate from 3.4 % to 1.9% last year. All of the shortfall was in non-essential services that bore no risk for being delayed. The record high number of legal service requests (20 % more than in FY 2001) was managed prudently and effectively according to our clients.

The service delays in the Canadian Military Prosecution Service, though ameliorated somewhat this past year, remain a weakness in performance that will take more time to overcome. The additional Regional Military Prosecutors and the many new, inexperienced legal officers in DMP must continue to gain essential experience and training before they can substantially impact timeliness deficiencies. Nevertheless, we have staved off and will continue to avoid undue delay of justice for accused individuals.

Overall, we delivered 14.6 % more high quality legal services in support of the Defence Mission than we did in the previous year and at almost the same cost to Canadians.

Pursuing Strategic Change and Reform (a program for continuous improvement)

6.6.3 Legal Stewardship (Strategic Outcomes)

Annex A, Figure 4 reveals how my strategic goals, each driven by a full slate of proactive continuous improvement projects, serves the Defence Strategy 2020 Change Agenda. Our list of initiatives has grown from 79 in FY 2001 to 128 in FY 2002, each aimed at continuing military justice reforms, ensuring that military activities conform to the rule of law and improving the core competencies of Canadian Forces lawyers. As such, Canadians may be assured that the Office of the JAG is committed to ensuring that justice will be done now and in the future in the fulfillment of the Defence Mission.

The strategic goals of the Office of the JAG are intended to produce the outcomes derived from my vision, *“that justice be done in the defence of Canada”*. The first desired outcome is that all Canadians have full confidence in the Canadian military justice system and goal is to build that confidence by ensuring its fairness and transparency. The second outcome we are striving to achieve is the delivery to the Department and the CF of the highest quality of legal advice and services possible with the allotted resources. This is the best means to ensure an ethical, principled defence program. Each of my military law initiatives is directed toward the expansion and enhancement of our military law services. Finally, we are collectively working to become the most effective and efficient; best managed law practice for the money in the country. In pursuit of this lofty outcome is our goal to foster innovative leadership and management in the Legal Branch.

These goals served to focus our available efforts and resources on 128 strategic improvement initiatives, of which we completed a record number of 46 in FY 2002 compared to 20 the previous year. Section 6.4.1 of this report highlights the progress made on each of these projects. To sum up this progress very generally:

- Our commitment to reform and modernize the military justice system was advanced by completing 24 military justice initiatives and making significant progress on 9 others. This progress served to strengthen the CF command and control capability, raising confidence levels in our military system of justice. This represents a valuable contribution to the defence of Canada.
- 6 projects to enhance military law services were completed and significant progress was made on 8 others. One example of the type of work we are doing in this area is the completed project to produce written policy governing the conduct of Canadian Forces personnel toward prisoners of war and detainees. Aimed at making certain that captured or detained persons are treated justly, in compliance with the law, this project moved the department one step closer to ensuring that justice is done in the defence of Canada.
- The military justice and military law outreach programs are each sending the message into the private sector that we are intent on reform, intent on learning the best practices of others and are eager to share our advancements with other practitioners of law and the general public. It is hoped that these outreach programs will advance the understanding of and engender confidence in the Canadian military justice system and in our capabilities in the practice of international, operational and military personnel law.
- Our internal management practices have been greatly enhanced through:
 - the use our Performance Measurement Decision Support System (PMDSS) to assist with resource allocation and to validate personnel requirements;

JAG Annual Performance Report - FY 2002

- ▶ development and use of personnel development and management plans;
- ▶ putting into practice enhanced comptrollership initiatives;
- ▶ completion of 9 information technology projects and advancement of 6 more;
- ▶ implementation of client satisfaction surveys;
- ▶ development of a diversity plan to increase representation of visible minorities; and
- ▶ progression of many more management initiatives to modernize the Office of the JAG and improve the core competencies of its personnel.

The long term (2020) strategy for the Office of the JAG is to be in a position to provide Canadians with the military legal services necessary to support a modern, task-tailored and globally deployable combat-capable force that can respond quickly to crises at home and abroad, in joint or combined operations. There are strong indications that we are well down the road toward attainment of that strategic view.

Client satisfaction surveys and outreach associations with our counterparts in the civil judicial system advise us that there is greater awareness of and confidence in the legal advice from the Office of the JAG, that it can be trusted to further Canadian interests and values wherever Canadian Forces serve.

ANNEX A: OVERVIEW OF JAG PERFORMANCE MEASUREMENT

1 A RELEVANT FRAMEWORK

The JAG Performance Measurement Framework (PMF) has remained unchanged through three years of use. This graphic describes its three performance areas (key perspectives) and explains their relevance to the JAG mandate.

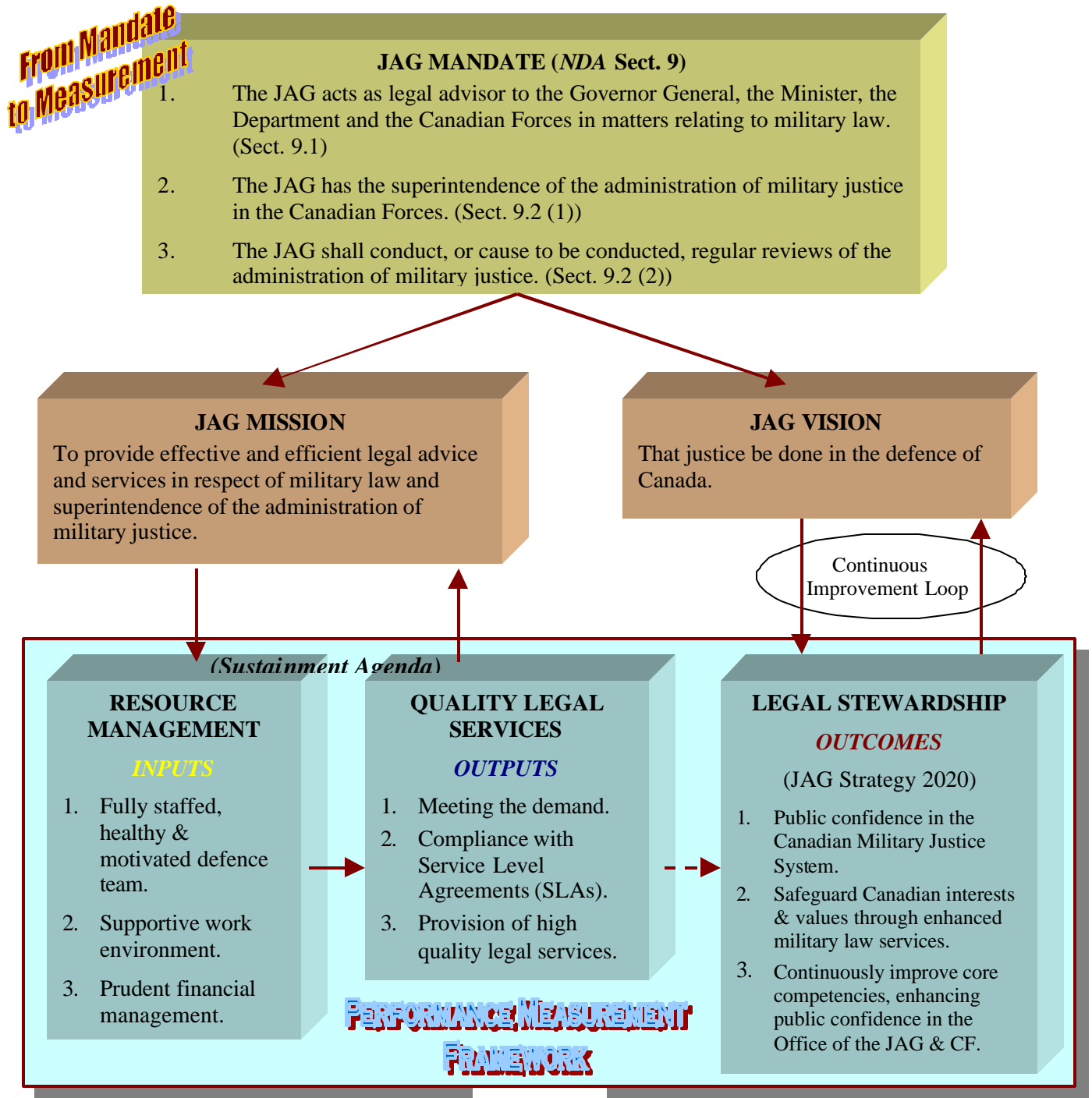


Figure 1

2 THE KEY PERFORMANCE PERSPECTIVES.

The three main building blocks, Resource Management, Quality Legal Services and Legal Stewardship are the foundation of the JAG PMF. The measures and indicators that flow from these key performance perspectives monitor all JAG activities, be they sustainment functions or change initiatives. They are aligned from left to right for ease of review to display the input-output-outcome process path:

- ◆ Resource Management deals with resource *inputs* to the Office of the JAG and our management of them in accordance with the Treasury Board's Planning Reporting and Accountability Structure (PRAS);
- ◆ Quality Legal Services analyses the day-to-day work *outputs* we produce for client organizations (the Sustainment Agenda); and
- ◆ Legal Stewardship comprises a multitude of strategic initiatives that we are striving to achieve to further JAG Strategy 2020 change goals, which are value-added *outcomes* for the DND, the CF and for Canadians and which are aligned to Defence Strategy 2020.

Inputs - How They are Managed and Measured (Resource Management).

In order to meet the mission requirements we must obtain and prudently manage human and fiscal resources. This key perspective examines the level of support provided to the Office of the JAG (inputs) and what we do with that support to further our strategic, near-term and immediate goals. The most critical measures in the Resource Management key perspective deal with people issues; how we manage personnel from recruitment, through the developmental training process to maintaining a productive and supportive work environment and a suitable quality of life for our employees. Retention incentive strategies are contained in our 'Innovative Management' program within the Legal Stewardship key perspective.

These 'people' measures examine our success in maintaining a healthy, well-motivated team of lawyers and support staff under the general headings of:

- 'Well-Being of the Defence Team', which looks at:
 - the Quality of Life (QOL) of individuals through a 'Health Index'; and
 - our collective stamina to meet mandated legal taskings (court dates, deployments and training commitments) through a 'Resource Capacity' check.
- 'Work Environment', which analyses:
 - both the Regular and Reserve Force Components in terms of vacancy levels, personnel development and compliance with specialty training requirements;
 - Reserve Force utilization rates;
 - the civilian workforce in terms of vacancy rates, personnel development and the time it takes to staff vacant civilian positions; and
 - our compliance with mandated government programs designed to enhance the working conditions of government employees and CF members.

Resource management is not just about people, it examines financial matters in detail:

- Financial planning and budget management;

JAG Annual Performance Report - FY 2002

- Efficiency – timeliness of payments and protection of assets;
- Strategic Investment (capital acquisition); and
- Expenditure efficiency through the Activity-Based Costing (ABC) model.

Outputs – Delivery of Client Services and Compliance with Set Standards (Quality Legal Services).

This key performance perspective is the JAG's client-focussed business structure. Performance measures tell the JAG if his legal officers are able to service the client demand for legal advice and also reveal whether or not the services provided met the standards imposed by Service Level Agreements (SLAs), statutory time requirements as well as professional, ethical and self-imposed principles and values. Output performance results are subjected to the closest scrutiny since they relate directly to the Defence Mission and its associated objectives. They also provide early warning of potential breakdowns in service delivery.

Outcomes – The Innovative Path (Legal Stewardship)

Legal Stewardship is our strategic planning focus. It is where proactive continuous improvement, outcome-oriented projects are conceived and nurtured. The JAG vision is broad, deep and enduring. It directs his Strategy 2020 (Legal Stewardship) change and reform agenda.

The Strategic Agenda has grown from 13 initiatives in FY 1999 to 128 projects (ongoing and future) in FY 2002. Figure 4 illustrates the direct linkages between the JAG Change Agenda and that of the rest of the DND/CF. It also highlights the three JAG Strategic Goals shows the various priorities each enjoys. As an example of how the JAG change agenda supports the Defence Vision, both the military justice and military law enhancement programs pursue outreach initiatives aimed at improving our ability to make informed decisions, strengthen professionalism and help focus our skills and knowledge in law.

The JAG's continuous improvement initiatives that support strategic outcomes have an ongoing positive impact on the day-to-day delivery of services to our clients. As such, they also support the Defence Mission.

3 LINKAGE TO CLIENT GOALS AND OBJECTIVES

Over the past few years it has become increasingly important for DND and the CF to provide clear evidence to Canadians of our substantial defence contributions. To support this effort, the VCDS is striving to develop a system of performance measurement that will become the basis for reporting to Parliament on defence achievements. In furtherance of that objective, this section of the performance report demonstrates how the JAG system of measures and indicators responds to the Defence Mission and to corporate priorities so that our performance can be expressed in a meaningful way for the department and for Canadians.

In this section are graphics that illustrate the linkages between the various measures in the three key performance perspectives and the DND and CF Change and Sustainment agendas.

JAG Annual Performance Report - FY 2002

These direct connections allow the JAG to make statements about how the Office of the JAG has delivered results for Canadians through our contribution to the Defence Mission.

Resource Management and the Sustainment Agenda

Measures and indicators in the Resource Management perspective reveal our success in the fulfillment of specific Defence Objectives that comprise the Sustainment Agenda.

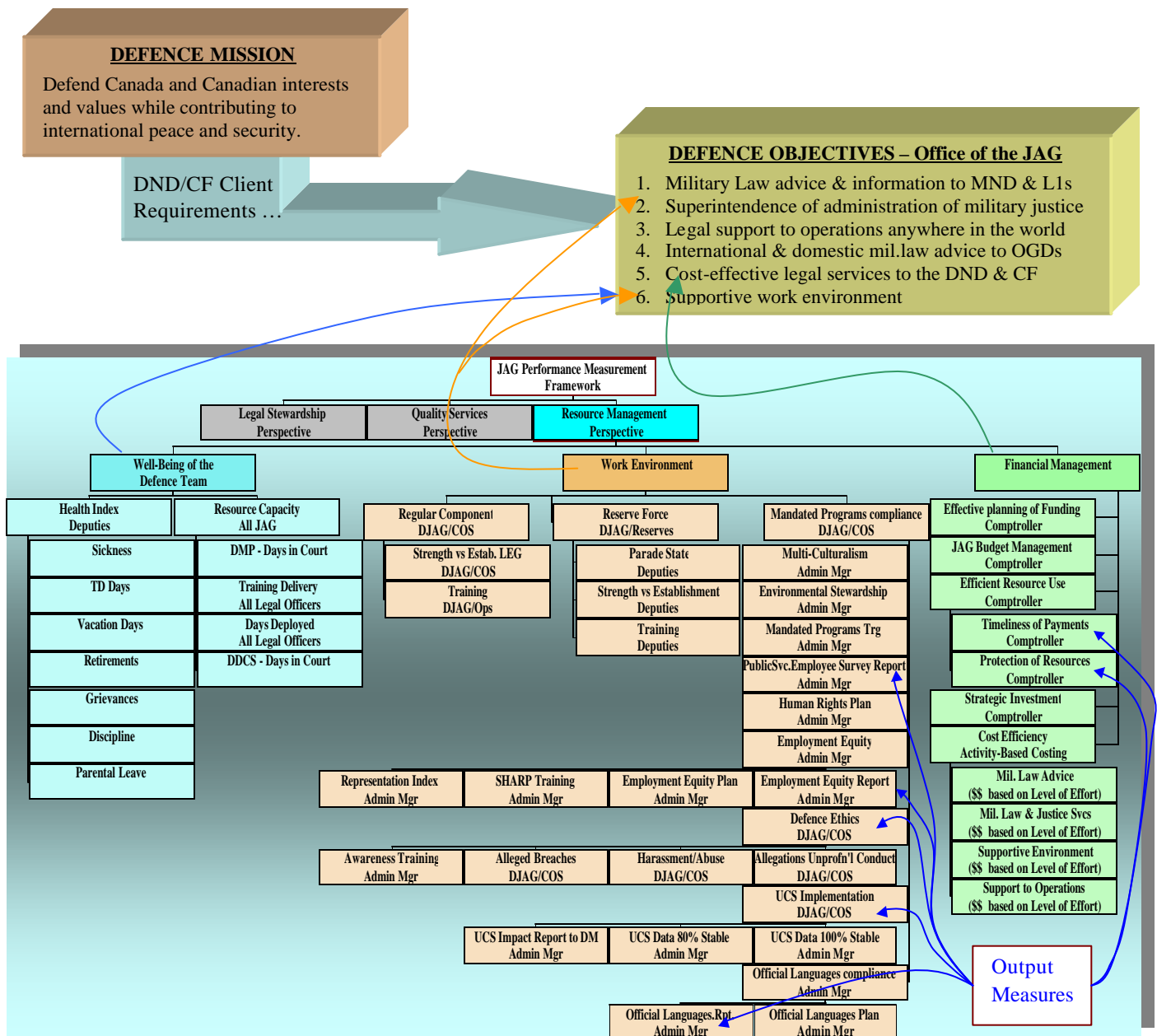


Figure 2

Quality Legal Services and the Sustainment Agenda

This graphic displays each functional organization in relation to the work output measures. The directional arrows show how each of these organizations contributes to the Defence Mission, expressed in terms of the defence objectives that originated in DPG 2000 and were applicable to the JAG. As a further point of interest, Figure 3 also shows the relationship of these defence objectives to the Capability Programs in Defence Plan 2001.

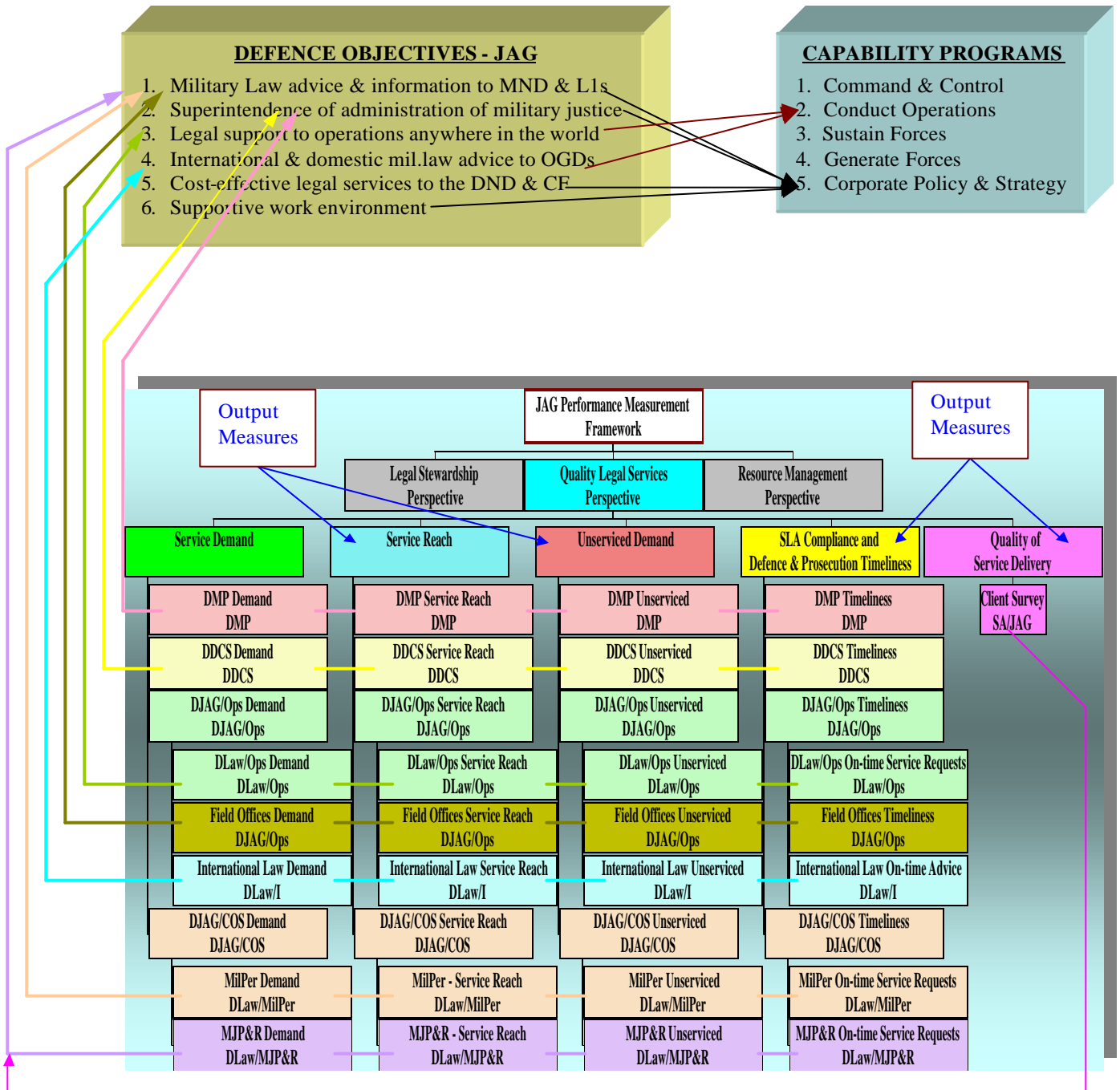


Figure 3

JAG Annual Performance Report - FY 2002

Legal Stewardship and Defence Strategy 2020

This illustration shows the linkages of the JAG strategic change objectives to those of the DND/CF Defence Strategy 2020.

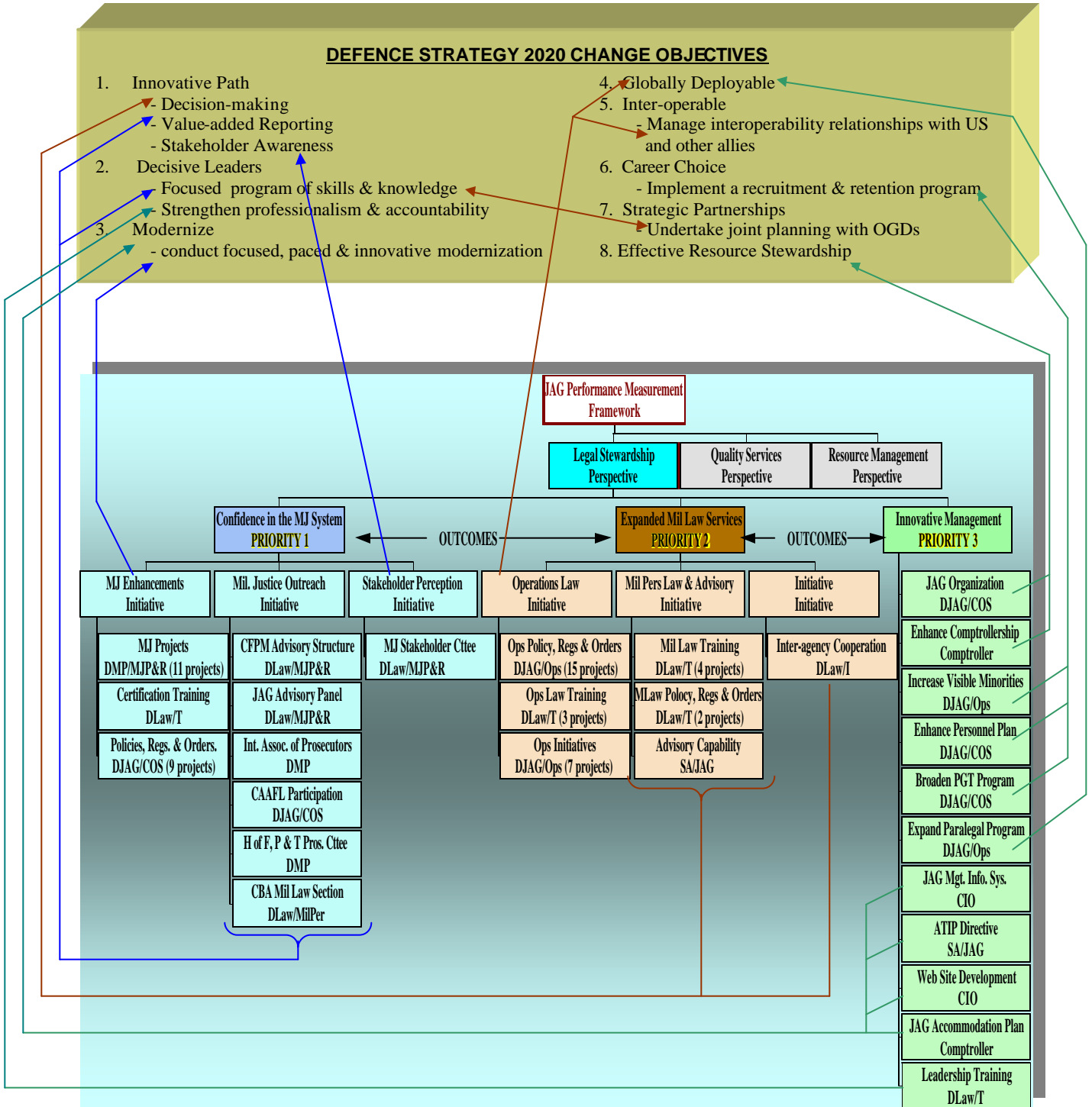


Figure 4

ANNEX B: REPORT ON THE JAG CLIENT SATISFACTION INTERVIEW SURVEY OF LEVEL ONE ADVISERS - FY 2002

INTRODUCTION

In February 2002, the Judge Advocate General (JAG) authorized the conduct of a series of interviews of Level 1 commanders in National Defence Headquarters to assess the level of satisfaction with legal services provided by the Office of the JAG.

The interviews were carried out during the month of March 2002 with the full cooperation of the Level 1 commanders. This report sets out the results of the assessment.

RATIONALE

This report is one of two initiatives undertaken by the Judge Advocate General during FY 01/02 in relation to assessing client satisfaction with the legal services provided by the Office of the JAG. The objectives of this qualitative survey were twofold:

- determine the general level of satisfaction with legal support provided by the Office of the JAG. This will enable the JAG to better assess JAG services and identify and address any deficiencies. This in turn will enhance JAG's ability to discharge his statutory obligations in respect of the provision of advice on matters relating to military law and superintendence of the administration of military justice system; and
- ascertain whether the new JAG reorganization has addressed the concerns expressed in the past by Level 1s, particularly by the Chiefs of Services, that their subordinate commanders are receiving "better" and more timely legal services than they are in Ottawa where, until recently, they have been compelled to rely on the JAG matrix for legal advice.

METHODOLOGY

In furtherance of the JAG's obligation in respect of the provision of advice on matters relating to military law, a survey proposal was prepared and approved by the JAG in February 2002, a copy of which is attached at Annex A.

The survey involved a series of interviews with a number of Level 1 commanders who had been identified as major users of JAG legal services. The interviews were conducted in person and were approximately one half hour in length. All participants were provided with a synopsis of the interview process including a list of issues that would be canvassed, in advance of the interview. This format was used as a guide but in no way limited the scope of the discussion. A total of seven interviews were conducted.

FINDINGS

1. General

The interview process provided meaningful feedback at the strategic level in a number of areas relating to client satisfaction. While the comments and concerns obviously differed from interview to interview, the process achieved its two main objectives: ascertaining the general level of satisfaction with legal support provided by the Office of the JAG, as well as measuring the level of satisfaction with the new JAG reorganization. Further, a general consensus also emerged with respect to the following issues:

- JAG's status as an ex-officio member of Armed Forces Council (AFC);
- JAG's proactive approach to the provision of legal services;

JAG Annual Performance Report - FY 2002

- Early legal involvement in the resolution of issues; and
- Delay in the Court Martial system.

2. General Level of Satisfaction with JAG Legal Services

All the respondents to this survey expressed complete satisfaction with the legal services provided by JAG and indicated that the Office of the JAG serves the needs of the chain of command in a competent and timely fashion. Many respondents commented favourably on the JAG organization's ability to respond to complex legal issues in a timely fashion and to not only identify problems but also provide solutions.

3. JAG Reorganization

Most respondents felt that the recent creation of two new positions (Deputy Judge Advocate General/Human Resources and Assistant Judge Advocate General Ottawa) on the JAG establishment had addressed past concerns with respect to the provision of legal services (particularly in the area of timeliness). The major users of these new positions have seen a significant improvement in timeliness of the provision of legal services since these new positions have come "on line". Expectations are that the trend will continue as the system matures.

4. JAG as Ex-officio Member of AFC

A significant number of Level 1s interviewed saw JAG's participation as an ex-officio member of AFC as an extremely positive initiative. They felt that his early interventions with respect to potential legal issues relating to matters discussed at AFC were invaluable.

5. Proactive Approach

Most respondents stressed their strong desire that the Office of the JAG continues its proactive approach to the provision of legal advice. They were particularly appreciative of efforts to keep appropriate Level 1s informed of the operational legal advice provided. Some respondents expressed their desire to see an even more proactive approach particularly in the area of operational legal training to senior commanders. In this regard, several respondents commented favourably on the approach adopted for presiding officer training.

6. Early Legal Involvement

There was a strong consensus that early identification of potential legal issues and early legal intervention is imperative. As one respondent commented:

"Early appreciation of any legal barriers is very important. It is very important to be "ahead of the power curve" and not always playing "catch up."

Many respondents saw recent JAG initiatives as being focused on and directly related to this fundamental principle. For example, JAG's participation at AFC contributes directly to early legal involvement in policy initiatives that might not otherwise obtain legal input until much later in the process. Further, the additional legal resources now available to Level 1s as a result of the JAG reorganization also enhance early legal involvement. Finally, the proactive approach to the provision of legal advice often flags legal issues for Level 1s and their staff that would not otherwise be identified until much time and effort had been expended on a policy that was not legally compliant.

7. Court Martial Delay

Although not directly related to the issue of client satisfaction, most respondents expressed concerns with respect to the issue of courts martial delay because they felt this was germane to JAG's role as superintendent of the military justice system. While recognizing that most delays

JAG Annual Performance Report - FY 2002

were not a timeliness issue with respect to legal services, they felt compelled to express their concern with the timeliness of the system as a whole.

RECOMMENDATIONS

Recommendation 1. The process of conducting face-to-face interviews as a tool for assessing the level of satisfaction with legal services is highly effective and affords an opportunity to canvas issues in a more comprehensive manner than a questionnaire format. Of particular note is the fact that all respondents provided more comprehensive responses during the unstructured segment of the interview process than when responding to specific questions relating to quality and timeliness of legal services. It is therefore recommended that the JAG cause a qualitative review of the level of satisfaction with JAG legal services to be undertaken annually. This qualitative review should target a different level of command (strategic, operational and tactical) each year.

Recommendation 2. As early identification of legal issues was a key theme throughout the interview process, it is recommended that the JAG cause a half-day training package on operational legal issues to be developed for presentation to strategic commanders at an appropriate forum.

CONCLUSIONS

The recent reforms to the military justice system and the increasing awareness of the requirement to seek legal advice in areas not previously contemplated have increased the demand for JAG legal services to an unprecedented level. In this complex legal environment, it is imperative that JAG have some means of measuring his ability to discharge his statutory obligations in respect of the provision of advice on matters relating to military law and superintendence of the administration of military justice system. This review, coupled with the results of the survey questionnaire, indicates that the Office of the JAG is meeting these obligations with a great deal of success. The comments and issues raised during the course of these interviews clearly indicate a high degree of satisfaction with legal services provided by the Office of the JAG.

ANNEX C: PMDSS DATA COLLECTION AUDIT REPORT, 17 DECEMBER 2001

1. BACKGROUND

1.1 Introduction

The JAG Performance Measurement Decision Support System (PMDSS) has been in operation for over two years and it was time to examine the accuracy of its data collection processes. This examination is particularly important now that the system is being used to support resource allocation decisions.

Consulting resources familiar with the PMDSS were acquired to assist the JAG Business Manager in reviewing and auditing the JAG performance data. The consultants conducted a detailed analysis of the performance data collected by Directorates and AJAGs.

The consultants made observations on database entries and contacted the staff at the audit field sites to clarify details. The audit field sites selected for the audit as well as the staff are listed in Appendix A.

A random sample methodology was used to sample the PMDSS database. The list of the audit field sites random samples is found in Appendix B.

1.2 Objective

The objective of this audit is to determine the integrity of data base entries supporting the JAG's PMDSS. It is expected that this audit will provide a basis for corrective action, if appropriate, to ensure the integrity of performance measurement data within JAG.

1.3 Methodology

The methodology selected for this audit was to analyse specific transactions chosen at random from the PMDSS data and authenticate each transaction based on source documentation and interviews with the originator.

The size of the random sample is dependent on the nature of the population and the desired degree of confidence to satisfy the objective. In this regard, the JAG PMDSS data population is normally distributed and a statistical sample of 10% would satisfy the objective of the audit.

The PMDSS data population contains approximately 15,000 entries and therefore the size of the random sample had to be at least 90 to achieve statistical significance. The statistical sample contained 90 transactions pro-rated across the entire JAG organization. For example, 30 samples from Headquarters (DLaw/I and DDCS), 15 samples from AJAG Toronto, 15 samples from AJAG Victoria, 15 samples from AJAG Halifax and 15 samples from AJAG Montreal. Further details of the random samples can be found in Appendix B.

2. Audit Results

2.1 AJAG Victoria

AJAG Victoria was audited 14 August 2001. All fifteen random samples were located and reviewed with the staff. Some samples had detailed supporting legal files whereas others had no supporting documentation especially those transactions initiated by phone calls. Specific audit observations are:

- Target date of 7 days was assigned to a Personnel Law file where the standard for Personnel Law is 30 days. The received date on the file reflects when it was assigned to the Deputy Judge Advocate (DJA) but the file was actually received in the AJAG prior to the DJA assignment date.

JAG Annual Performance Report - FY 2002

- It was not clear whether Power of Attorney services should be classified as General Legal Services or Personnel Law. Target date is the date of the appointment with legal staff.
- Target date reflects Actual date rather than the standard for Personnel Law of 30 days.
- Files 2889, 2941 and 3096 were classified as Personnel Law and should have been Military Justice.
- Incorrect target date of 48 hours was used for a Military Justice file whereas the standard should be 24 hours. However, the actual date did meet the standard of 24 hours.

Additional issues were raised but they were outside the scope of the audit. For example, some concerns were raised regarding the security of the AJAG LAN and access of client-solicitor privilege files.

2.1.1 Management Response

The AJAG's management response to the audit observation concerning the target date raised the issue whether the target date should reflect a "negotiated" date with the client or should it reflect the standard and/or Service Level Agreement (SLA)? It is our opinion that the date used should reflect how well the AJAG office is meeting agreed upon expectations.

In regards to the client solicitor privilege issue, The MS Access data collection tool is rated Protected A. There should be no input of Protected B information.

The headquarters management response is that it is important that AJAGs review and ensure that the information collected is accurate, properly classified and that target dates reflect agreed upon commitments. However, JAG uses macro data such as the volume of requests and related trends affecting overall performance to make resource allocation decisions. Therefore the observations on miss-classification of services and the discrepancies in the target dates would not impact the overall JAG strategic direction and related resource allocation decisions. We accept the management response.

2.2 DLAW/International

DLAW/International was scheduled for the PMDSS Audit on 24 September 2001. However, given the involvement of DLAW/International in the current military conflict, it took several visits by the Audit Team to complete the Audit. Please refer to Appendix A for detail of the dates and staff involved in the audit at DLAW/International.

Eleven out of the fifteen random samples were eventually located and reviewed with the staff. Most of the samples had detailed legal files embedded within other extensive files related to the subject matter. It took extensive effort by the staff to identify the general location of the files and then locate the exact PMDSS sample file within the extensive subject matter file. The exceptions were the Memoranda of Understanding (MOU), which were electronically filed in the paralegal staff's computer terminal.

Specific audit observations are:

- Files 24, 25, 78 and 103 either cannot be located and/or there were no legal files associated with these service requests.
- All fifteen sample files were classified as International Law, whereas they could have been classified as Personnel Law, Military Law and/or Military Justice.
- All four sample files for MOU clients were classified as "Other", whereas they could have been classified according to the clients requesting for the MOU in DND.

JAG Annual Performance Report - FY 2002

A suggestion was raised that cross-referencing the PMDSS log number with the DLAW/International filing system would simplify locating the appropriate files. This suggestion is valid, and the remarks dialogue box could be used for this purpose.

2.2.1 Management Response

The director's management response to the audit observation concerning the filing system and the significant effort to locate the files was to set up and use a more effective filing system.

2.3 AJAG Halifax

AJAG Halifax was audited 28 September 2001. All fifteen random samples were located and reviewed with the staff. Specific audit observations are:

- Multiple Powers of Attorney were grouped together and counted as one service request rather than individually.
- One file was considered on-time because it was addressed on-time by the legal staff within the AJAG but the file took two weeks to be assigned after receipt and then it took the AJAG another two weeks to respond to the client.
- File 1147 was classified as Personnel Law whereas it should have been Military Justice.
- The AJAG does not get involved in Reserve Kit Recovery.

Additional issues were raised but they were outside the scope of the audit. Some concerns were raised regarding the security of the PMDSS and unauthorized access to client-solicitor privilege files. The response is that the PMDSS is Protected A, and should not contain any information considered Protected B.

2.3.1 Management Response

The headquarters management response is that the data collection database for the PMDSS resides in the AJAG and there is no other access. Only predetermined statistical data are tabulated and transmitted to headquarters on a monthly basis for input into the PMDSS. Therefore, there is no security issue affecting PMDSS monthly reports sent to NDHQ. We accept the management response.

2.4 DDCS

DDCS was audited 1 October 2001. A teleconference was held with LCol Couture on 27 September 2001 at the request of the Director as he was not available during the audit on-site visit on 1 October 2001.

All fifteen random samples were located and reviewed with the staff. Fourteen of the fifteen random samples pertain to the Service Type "Advice on Discipline". All fourteen "Advice on Discipline" samples had a one-page log sheet. There was one Service Type pertaining to the Service Type "Court". Specific audit observations are:

- Eleven of the fourteen "Advice on Discipline" service type are usually phone calls and typically take less than 15 minutes to address. Each phone call was counted as a single service request.
- Detail statistics are collected on each "Advice on Discipline" service type that is not required by the PMDSS but used for DDCS internal management purposes. Such statistical data as the time it took for the consultation may be useful in the PMDSS.
- Significant effort is required by DDCS staff to prepare for Court appearances. However, in the PMDSS, Court work is counted as a single service request and measured equally to a single phone call on "Advice on Discipline".

JAG Annual Performance Report - FY 2002

Additional issues were raised but they were considered outside the scope of the audit. A concern was raised regarding security and access to client-solicitor privilege files. The reply was that the PMDSS is Protected A only.

2.4.1 Management Response

The headquarters management response concerning the duty counsel service demand that is less than 15 minutes is that they are legitimate legal service demands and therefore should be included in the PMDSS. Although the audit team agrees with the management response, the definition of what constitutes service demand needs to be revisited and applied consistently across the JAG organization.

2.5 AJAG Toronto

AJAG Toronto was audited 5 October 2001. All fifteen random samples were located and reviewed with the staff. All the audit samples had detailed legal files and where the legal file was at another office (i.e. DJA Borden), a copy of the legal file was faxed to Toronto for the audit. Specific audit observations are:

- Files 4032 and 4467 were both classified as General Legal Service whereas they should have been Personnel Law.
- Service Types Personnel Law and Domestic Law were not utilized. General Legal Service was used as the Service Type.
- The legal work conducted by the paralegal was not included in the PMDSS.

Additional issues were raised but they were outside the scope of the audit. One issue concerned the possibility of time reporting in the future and challenged the value of time reporting when there is no “billing” of services to clients. The response was that there is considerable variation in the length of time taken to complete service requests and time reporting would assist management to monitor how legal resources are actually utilized.

The legal officers employ different approaches to collect PMDSS data. The Microsoft Outlook application was used by one legal officer and a paper log sheet was used by another. The output is the same (although there may be duplicate effort) since data are summarized by the Office Manager and sent to the Assistant Business Manager in Ottawa each month.

2.6 AJAG Montreal

An audit was conducted of the PMDSS database in AJAG Montreal on 5 November 2001.

Fifteen transactions were selected for audit and a work sheet was filled out on each. There are only minor observations arising from this review. One potentially significant observation concerns the lack of follow up on Kit recoveries, which will be explained at the end of this document. The observations from the review of the 15 transactions are listed below.

- File 1454. The date received appears to have been entered after the fact. The target date and met date are the same and therefore the service, a law course, was provided on time.
- File 1465. The service type is incorrect as an administrative deduction should be classified as General Legal Services not Domestic Military Law.
- File 2507. There was an error entering the actual date. It should have been 24 July not 20 July. However, the transaction was completed on time.

There are 360 open files, which creates the appearance of unsatisfied demands for legal services. An on site review determined that the open files are almost all claims against former reservists who have not returned issued kit. The AJAG sends a letter stating the amount to be paid and the file remains open until the recovery is made.

JAG Annual Performance Report - FY 2002

It was observed that many of the files could be brought to closure if the AJAG followed up with a second notice and, if necessary, turned the file over to a debt collector. The staff at the AJAG used to follow up on claims and obtain a 70% (or better) rate of recovery. The lack of staff to conduct follow up activities prevents the closing of these files and attaining a high level of recoveries.

It appeared from the local records that the average value of a kit recovery was \$1300. However, a portion of this kit is personal wear items and may not be worth much effort to secure its return. Other items appear to have more enduring value such as thermos bottles, a parkas, snowshoes, rucksacks etc. It would be appropriate for AJAG Montreal to review the open kit files and determine whether the real value of the outstanding kit is worth hiring more staff to complete the recoveries.

2.6.1 Management Response

The headquarters management response indicates that the Reserve Kit Recoveries should not be rolled up in the PMDSS database. Moreover open files accumulate as unserved demands. The PMDSS must track significant legal work only. Small claims by the Crown for kit recovery are not statistically significant and will be removed from the PMDSS in future.

In our view a kit recovery is a claim by the Crown. As such it could be considered a valid service request. However, it is also our opinion, that legal portion of the work has been completed with the signed letter to the holder of the kit. The pursuit of moneys from that point on, including the hand over to a debt collection agency, is an administrative matter. Management feels that the entry of due and actual date should be as of the date the first letter is sent. We agree with this point of view, however, it is still important to track and follow through on kit recoveries.

3.0 CONCLUSION

3.1 Summary

The PMDSS Audit was conducted between the Period of 14 August 2001 to 5 November 2001. Ninety transactions chosen at random were audited to provide a confidence level of 90% for the observations concerning the PMDSS data population. Two thirds of the transactions were from the AJAGs and one third from the Headquarters. Please refer to Appendix C for details.

The following table summarizes the Audit Results by the office:

Audit Field Sites	Number of Discrepancies	Percentage of Discrepancies
Victoria	7	8%
DLAW/I	8	9%
Halifax	2	2%
DDCS	11	12%
Toronto	2	2%
Montreal	3	4%
TOTAL	33	37%

JAG Annual Performance Report - FY 2002

The following table summarizes the Audit Results by Category:

Audit Category	Number of Discrepancies	Percentage of Discrepancies
Support File Not Located	4	5%
Wrong Service Type	12	13%
Wrong Target Date	6	7%
Time Duration < 15 minutes	11	12%
TOTAL	33	37%

3.2 Audit Recommendations

The Audit found discrepancies in data collection to be 37% with a 90% confidence interval. A possible impact of these discrepancies is a distortion when making comparisons between Directorates and AJAGs. However, it was noted that such comparisons are not made in the PMDSS. Classification of Service Types is used only by Directors and AJAGs not by the PMDSS. Target Dates that do not apply to SLAs are not input to pbviews, have no impact in the PMDSS and, as such, play no part in decision-making.

The current data can be used to look at macro-trends within these organizations and provide a useful overall management tool for the Directors and AJAGs.

Nevertheless, corrective action would facilitate comparisons across the JAG organization and would present a more accurate picture of performance within each organization. The following audit recommendations are to help accommodate the comparative objective:

3.2.1 Service Type

The greatest discrepancies relate to classification of the service requests into appropriate service type. This accounts for 13% of the 37% discrepancies or about one third of the discrepancies found in the audit. Some staff commented on a lack of training and/or direction from Headquarters staff regarding how service types are defined. Although Headquarters staff are only a phone call and/or e-mail away, staff commented that they would prefer Headquarters staff to spend some training and orientation time with them at their offices using their own database.

1. *Audit Recommendation:*

- *Assess and confirm the definitions for service types and how they are communicated to staff in JAG. Consideration should be given to having hands-on, one-on-one training and orientation sessions with the staff at their own office using their own database. Other tools such as user manuals, directives, Q&As, etc. would also be useful.*
- *Follow-up Action:*
- *Headquarters recently (6 December 2001) issued an electronic “read-only” Users Manual.*
- *Recent e-mails (30 November 2001 and 19 November 2001) addressed directions on Paralegal and Chief Warrant Officers, respectively.*

3.2.2 Telephone Service Requests

There were inconsistent interpretations regarding what is a legitimate service type to be included in the PMDSS statistics concerning monthly reporting of telephone calls. The audit found 12% of the 37% discrepancies or 11 phone calls that lasted less than 15 minutes. Although the phone calls were legitimate legal service requests, the inconsistent standard is an issue for comparative analysis:

2. *Audit Recommendation:*
 - *Assess and confirm the definition of service requests and how they should be tabulated in the PMDSS. Consideration may be given to count legitimate phone calls lasting a minimum of 5 minutes or longer as opposed to the current minimum standard of 15 minutes. Another consideration may be to not impose any time parameter.*

3.2.3 Target Date

There were discrepancies in the target dates of the service requests. This accounts for 7% of the 37% discrepancies or 6 of the random sample files in the audit. This audit observation would only be an issue if target dates were derived from Service Level Agreements (SLAs).

3. *Audit Recommendation:*
 - *Assess and confirm the definition of target date of service requests and whether there are any implications to Service Level Agreements (SLAs).*

3.2.4 Open Files

There are significant numbers of open files in the PMDSS that could be treated as closed depending on how JAG would like them reflected. Outstanding Reserve Force Kit Recovery actions constitute the largest number of open files. As some AJAGs get involved in Kit recoveries and others do not, direction is required. If Kit Recoveries are a valid legal service, then they should be included in the PMDSS. Consideration should be given to closing the file as a legal activity when the letter is sent to the holder of the kit. The pursuit of the recovery could be treated solely as a follow on administrative matter.

The other open files are much fewer in number, as they did not show up in the statistical sample. It is very likely that these files have really been completed but have not been closed in the PMDSS.

4. *Audit Recommendation:*
 - *Assess and confirm the definition of open files and when an open file should be closed in the PMDSS. Consideration may be given to closing legal files that are pending responses or action outside of the JAG organization. Should there be a requirement for subsequent legal action on a closed file, the matter could be treated as a separate request.*

3.2.5 Other Service Requests

There were inconsistent interpretations regarding what is to be included in the PMDSS statistics and monthly reporting with respect to Paralegal activities, such as Power of Attorney. Also, the audit found that one AJAG grouped all their Power of Attorney work as one service request whereas another counted them as multiple service requests.

5. *Audit Recommendation:*

- *Assess and confirm what needs to be counted as a service request. In this regard, legitimate legal work should include work done by paralegal staff and legal advisory work such as claims against the Crown.*

Follow-up Action:

- *Recent e-mails (30 November 2001 and 19 November 2001) clarified the position of Paralegal and Chief Warrant Officers.*
- *E-mail attachment (30 November 2001) on “quick pole” from Edmonton:*
- *Claim files and Traffic Violations – “.....Only after the Legal Officer sign-off is done (a letter of offer) then Yes it is counted in the PMDSS, and, Only, if a Legal Officer’s sign-off is required then Yes it is a task and counted....” respectively.*
- *E-mail (19 November 2001):*
- *“.....any CWO data must be (or contribute to) legal advice/service to a client and must be attributable to (on behalf of) a legal officer....”*

3.2.6 Others

Throughout the audit, there were comments regarding the use of the PMDSS and how the system was utilized in the JAG organization. Most of the commentaries are outside the scope of the audit but they were consistent throughout the organization. Comments pertain to security (i.e. the need to protect client-solicitor privilege), the pros (1/3) and cons (2/3) of time reporting, and the lack of feedback and/or usefulness of the PMDSS at the working level.

6. *Audit Recommendation:*

- *Provide the hands-on one-on-one training and orientation to Directors and AJAGs staff to demonstrate the value-added nature of the PMDSS to the JAG organization and the “big picture”. The requirement is for PMDSS expert staff to provide the direct training in the Directors and the AJAGs Staff at their location using their database.*

Follow-up Action:

- *There are regular performance measurement briefings (i.e. monthly) and the annual performance report as well as the “read only” Briefing Books available to all the field offices, however, this information may not be effectively disseminated to all levels of staff by Directors and AJAGs.*

3.3 Next Steps

- The draft Audit Report should be distributed to all interested parties (i.e. the JAG, the JAG Business Management Team and/or the audited organizations)
- Further Management Responses and/or Action Plan can be developed and appended to the draft Audit Report.
- Follow-up action is required to ensure accountability and corrective action.

Appendix A

Audit Fieldwork Respondents

AJAG Victoria	-	14 August 2001
Cdr Harrigan		
Capt Wakeham		
Ms. Carter		
DLAW/I	-	24, 27 September and 2, 11 October 2001
LCol Abbott		
LCdr Killaby		
Mr. Davies		
Ms. Touchette		
Ms. Oggel		
DDCS	-	27 September and 1 October 2001
LCol Couture		
Capt Antonyshyn		
Ms. Hautcoeur		
AJAG Halifax	-	28 September 2001
Cdr Maguire		
Ms. Parker		
AJAG Toronto	-	5 October 2001
Maj Rippon		
Capt Bolt		
Lt(N) Thornton		
Ms. Gautreau		
AJAG Montreal	-	5 November 2001
LCol Dugas		
Ms. Maysenhoelder		
Major Philippe		
Ms. Lemay		
Ms. Labat		

**Appendix B
Random Sample**

Random Sample: 15 random samples from each site

Total Sample Size: 90 random samples in total

Victoria	DLaw/I	DDCS	Halifax	Toronto	Montreal
1288	16	10	1147	3204	1368
1402	24	16	1423	3545	1378
1423	25	24	1571	3820	1454
1459	26	26	1779	3861	1465
1569	78	48	1876	4032	1502
1630	103	58	1881	4223	1840
1699	134	61	2302	4295	1867
1876	242	78	2522	4320	1886
1881	251	95	2825	4394	1987
2263	272	103	2889	4467	2008
2825	303	118	2927	4494	2063
2889	392	119	2941	4536	2072
2941	402	122	2973	4558	2311
3027	429	124	3011	4565	2375
3096	485	135	3073	4812	2507

JAG Annual Performance Report - FY 2002

Appendix C Summary Audit Results

Audit Field Sites	File Unlocated		Wrong Service Type		Wrong Target Date		Time Duration less than 15 minutes		Total Discrepancies		Comments
	#	%	#	%	#	%	#	%	#	%	
Victoria			4	27%	3	20%			7	8%	AJAG utilizing PMDSS to assess and review status of legal files
DLaw/I	4	27%	4	27%					8	9%	Significant effort to locate files
Halifax			1	7%	1	7%			2	2%	Power of Attorney were grouped together Reserve Kit Recoveries are not counted in PMDSS
DDCS							11	73%	11	12%	Phone calls were counted when less than 15 min.
Toronto			2	13%					2	2%	Paralegal work was not counted
Montreal			1	7%	2	13%			3	3%	Large number of Open files due to Kit Recoveries that are counted in PMDSS
TOTAL	4	5%	12	13%	6	7%	11	12%	33	37%	

Appendix D
PMDSS Data Collection Audit Criteria

1. Confirm the OPI ID as defined in the PMDSS User Manual is accurately applied.
2. Confirm the File's Service Type as defined in the PMDSS User Manual is accurately applied.
3. Validate the Date Received for the File
4. Confirm the Subject Matter
5. Confirm the Client ID as defined in the PMDSS User Manual is accurately applied.
6. Validate the Target Date
7. Validate the Actual Date
8. Determine if File is On-time
9. Confirm that the Commentary and/or Outcome as defined in the PMDSS User Manual is accurately applied.
10. Others