

Closing Argument

The Five-Tool Judge Advocate

Mastering the Essential Pillars of Principled Counsel and Leadership

By Colonel Christopher B. Burgess with Lieutenant Colonel Scott L. Goble

With the 2024 Fall Classic (i.e., World Series) recently behind us¹ and this year's passing of legendary actor James Earl Jones,² my mind—as a lifelong baseball fan—has been drawn to baseball and the movie *Field of Dreams*.³ In my mind's eye, I watched Jones deliver that now-classic speech in a voice uniquely his, standing on that field of dreams tucked away in the cornfields of Iowa:

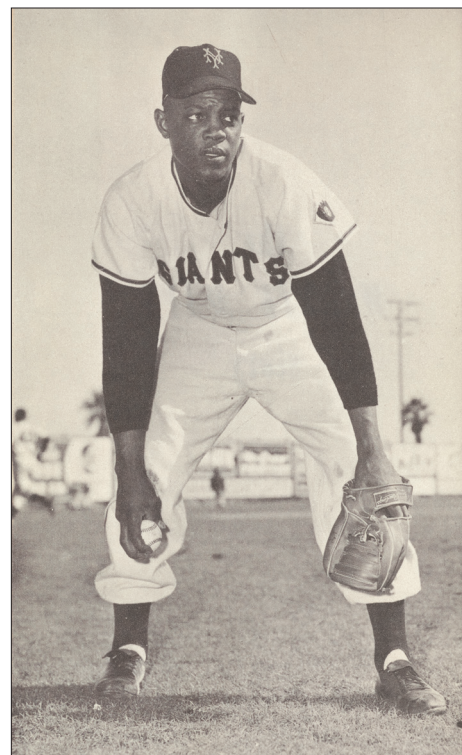
The one constant through all the years, Ray, has been baseball. America has rolled by like an army of steamrollers. It has been erased like a blackboard, rebuilt, and erased again. But baseball has marked the time. . . . It reminds us of all that once was good, and that could be again.⁴

His words seem as true today as they did when I first watched that baseball classic many years ago. Like so many before us, we find ourselves facing a change to our legal practice that many of us have known for decades. The advent of the Office of Special Trial Counsel (OSTC) has erased one aspect of the way we practice law in the U.S. Army Judge Advocate General's (JAG) Corps like a blackboard. Now, it is up to us to decide how it will be rebuilt. In these changing times, what is the key tool—or tools—that principled counsel can use to ensure success today? And is it really that different from how we as a Corps have excelled in the past when faced with change?

Sports, and, especially for me, baseball, can perhaps answer that question. Baseball

and lawyering are about more than what happens on the field itself (or for judge advocates (JAs), in a courtroom, during a legal briefing to a staff judge advocate, or while providing legal advice and associated risks to a commander). You can see it on the Little League field and the Big League diamond: the game that has been our country's pastime for generations reflects our lives and, I would posit, helps us conceptualize the work demands we face every day. Success in baseball is not much different than success in lawyering, leading, and, ultimately, identifying the hallmarks of principled counsel. It requires a delicate balance of skill, strategy, desire, learning, shared understanding, emotional intelligence, humility, and mental toughness. Certain baseball players stand out as "five-tool players": athletes who excel in the five fundamentals of power, average, fielding, throwing, and speed.⁵ Some players come to mind who contributed significantly to the team and led successful careers by dominating in only one or two areas.⁶ They are the masters of speed on the base paths, go big or go home, the all-or-nothing home run or strike out. But, a player with all five tools is rare not just because of their athleticism but also for their versatility, consistency, and game-changing potential.

The concept of a five-tool JA and principled counsel mirrors the five-tool baseball player. Like Willie Mays, one of the all-time greats and arguably one of only a few true five-tool baseball players,⁷ the successful JA cultivates, refines, and ultimately strives to master a diverse set of



Willie Mays was one of the all-time greats and arguably one of only a few true five-tool baseball players. (Source: New York Public Library Digital Collections)

tools to include, but not limited to, strategic vision, operational excellence, communication and influence, adaptability, and ethical integrity.

Looking at just a small slice of the JAG Corps's 249-year history, its evolution over the past forty-four years reflects how our military legal services have adapted to meet emerging challenges and effectively address evolving requirements to best serve our clients and the commanders we advise. The evolutions include establishing the Trial Defense Service in 1980,⁸ the Trial Counsel Assistance Program in 1982,⁹ brigade judge advocates as we know them today in 2006,¹⁰ and the Special Victims' Counsel program in 2015,¹¹ to name just a few. As America has rolled by like an army of steamrollers, our Nation, our Army, and our JAG Corps have—at times—been erased like a blackboard, rebuilt, and erased again to meet the needs of our country. But the constant through the years has been those same tools JAs have used from the beginning of the JAG Corps to the present day. Now, as OSTC rebuilds the way we practice military justice, it is

more important than ever to remember the keys to rebuilding to meet the needs of today and showcase the Corps's ability to evolve with principled counsel as the lynchpin to our success.

The Role of Evolution in Baseball and Lawyering in the Army

Baseball, like lawyering and leading, is a game of constant adjustment, adaptation, evolution, and, ultimately, a dignified departure from the game. A player may enter the season as an elite power hitter, but as opponents study and analyze his tendencies, he is forced to evolve his approach. Teams must adapt to rule changes, technological advances, and the shifting dynamics of player performance.

In the same way, legal professionals—especially in the military—require the ability to adapt to new circumstances, to change, to evolve. The successful JAs, like the best players, are those who embrace change and can pivot from the way it has always been done to continue thriving in new and challenging environments. Thus, just as a baseball player who cannot adapt will struggle, a JA who cannot respond to change will find it difficult to maintain effectiveness.

1. Strategic Vision (Hitting for Power)

In baseball, hitting for power changes the outcome of a game with a single swing. Similarly, in leadership (regardless of rank), strategic vision represents the long-term impact of a leader's decisions.¹² A JA with strategic vision understands not only the legal framework but also the broader military and national objectives. Just as a power hitter seeks to alter the course of a game by driving the ball deep, a JA with strategic vision can reshape their office's, the Army's, and our Nation's future by aligning legal advice with long-term strategic goals.

This type of vision requires the ability to see around corners and adapt accordingly. In baseball, this might mean a hitter adjusting to different pitching styles or new equipment. For JAs, it involves anticipating shifts in military policy, societal changes, or political landscapes and positioning their teams to navigate these changes successfully. JAs with strategic vision can turn challenges into opportunities, much like a power hitter capitalizes on the right pitch.

Strategic vision is also deeply connected to emotional intelligence.¹³ A JA with strategic vision understands not only the broader picture but also the emotional and psychological dynamics within their team in ways that inspire and motivate others. The ability to align emotional intelligence with long-term planning creates a lawyering and leadership style that is powerful, adaptable, and effective in driving organizational success.

2. Operational Excellence (Fielding)

In baseball, fielding requires precision, agility, and the ability to respond to unpredictable plays. The smallest shift in a fielder's precise mechanics, movement, or positioning can mean the difference between getting an out or giving up a hit.¹⁴ Just as a fielder must make split-second decisions to maintain control, JAs must also maintain control to achieve operational excellence. Operational excellence involves meticulous attention to detail, a commitment to upholding standards, and the ability to manage the complexities of an ever-changing legal landscape. JAs who achieve operational excellence can balance day-to-day responsibilities while remaining agile in their approach and ready to change course when necessary.

Within operational excellence, followership plays a critical role.¹⁵ In baseball, a successful fielder is part of a coordinated team. The best in the field understand their unique role in supporting the manager and their teammates, including the pitcher, infielders, and outfielders, to achieve a common goal.¹⁶ In the same way, JAs must foster a culture where every member of the team understands their role and the real value they bring by doing that job in concert with their team. But in the end, great lawyer leaders nurture followership by recognizing the value of everyone's contribution and ensuring everyone has the tools to succeed.

3. Communication and Influence (Hitting for Average)

Hitting for average in baseball is about consistency—maintaining reliable performance at the plate to help the team succeed. For JAs, communication and influence are the equivalent. Effective JAs consistently

deliver clear, persuasive, and actionable advice, influencing decisions and outcomes across the organization. Just as a consistent hitter builds trust by getting on base frequently, JAs build credibility by consistently communicating effectively with their teams and to those they advise or represent.

Communication is not just about what is said but also how it is delivered, which makes emotional intelligence an essential component of this tool for the JA. Just as a hitter adapts his approach to different pitchers and game situations, JAs must adapt their communication based on the needs of their team, the nature of the situation, and the overall legal context. The ability to adjust communication styles based on context is key to influencing and maintaining alignment within the team.

4. Adaptability (Base Running)

In baseball, players face a constantly evolving landscape where pitchers develop new techniques, teams shift their defensive strategies, and athletes must physically adjust to maintain peak performance. While adaptability can impact all aspects of the game, it is the essence of base running, which requires agility, quick thinking, and the ability to capitalize on opportunities as they arise. The parallel for JAs is the continuous ability to adapt to change. Just as base runners must instantly read the field and make split-second decisions, adaptable JAs balance day-to-day responsibilities with the ability to adjust their course on the fly when necessary in response to new challenges, changing priorities, and evolving legal precedents, shifts in policy, or the changing demands of their civilian and military leaders.¹⁷

Adjusting and being adaptable is not easy. We as a Corps, and for that matter as a society, can be resistant to change. Change is hard. It makes our once-solid path shaky. But it is the one thing we all know the future will bring. So why resist it? Why focus on a rearview mirror reflecting on how good it once was? Rather than resist change, the adaptable JA can embrace it. Like those who led our Corps through change in years past, the adaptable JA can view the recent creation of OSTC as yet another example of finding opportunity for growth rather than a threat to the status quo.

5. Ethical Integrity (Throwing)

In baseball, a strong and accurate throw versus a weak and errant one can change the course of a game. Failing to do the routine things routinely well can be the difference between an expected outcome and the start of a catastrophic inning. In the JAG Corps, ethical integrity shapes the direction of decisions and actions in the same way throwing does in baseball. Ethical integrity is about making routine decisions that are grounded in moral principles and align with an unbending standard of ethics and justice. JAs who prioritize ethical integrity ensure that—both individually and collectively as a team—they operate with transparency, fairness, and a commitment to doing what is right over what is easy.

Much like an accurate and strong arm on the field, ethical integrity is not just about following the rules; it is about understanding why those rules are in place. This is true in any practice area, but especially so as military justice evolves with the development of OSTC. It is about protecting a process, not an outcome. This approach ensures that every decision is made with the team's and organization's welfare in mind, rather than personal or short-term gains. Ethical integrity allows JAs to earn trust, a critical element in influencing people or guiding teams.¹⁸

Conclusion: Becoming a Five-Tool JA

As you put down this article (for non-baseball fans, if you have made it this far), we should all keep working on our tools to find the opportunities wherever they present. Those who embrace innovation, learn from setbacks, and continuously refine their approach become the most impactful. Just as a five-tool player excels in all aspects of the game, a five-tool JA must strive to master the essential pillars of principled counsel—strategic vision, operational excellence, communication and influence, adaptability, and ethical integrity—not only to personally rise to the challenges of change but also become more integral members of their teams.

In lawyering and leading, these pillars of principled counsel are not and have never been just about professional development; they are about ensuring the entire organization's success. Both baseball

players and Army lawyers who fail to adjust to change often see their effectiveness diminish over time, while those who continuously evolve can sustain long and successful careers and leave the organization better for their time in it.

How will you help lead through turbulent times? How will you navigate the complexities of change the Corps is facing now or around the next bend? Maybe, like Shohei Ohtani, the most dynamic pitcher/hitter in the last fifty years,¹⁹ you may be told that you cannot take the assignment you think you want. How will you respond? This past year, Ohtani was told that he could not pitch to allow his elbow to recover from Tommy John surgery. Rather than take a back seat, Ohtani responded by becoming the first player in history to hit fifty home runs and steal fifty bases in a season.²⁰ While his role was different this past year, his approach and fundamentals were the same. Whatever role you play this year, mastery of your fundamentals—our core constants—will be your guide to making a positive impact felt for years to come. **TAL**

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Notes

1. See *MLB Announces 2024 Postseason Schedule*, MLB (Aug. 1, 2024), <https://www.mlb.com/press-release/press-release-mlb-announces-2024-postseason-schedule>.
2. *James Earl Jones, Acclaimed Actor and Voice of Darth Vader, Dies at 93*, AP NEWS (Sept. 9, 2024), <https://apnews.com/article/james-earl-jones-dies-19ea259ff3f44b91b2ed8730b702c23f>.
3. *FIELD OF DREAMS* (Universal Pictures 1989).
4. *Id.*
5. See David Adler, *Let's Build the Best 5-Tool Player in Baseball*, MLB (Aug. 24, 2024), <https://www.mlb.com/news/building-the-best-5-tool-player-in-baseball-in-2024>.
6. Jim Thome—a one-tool player for most of his career and a member of the Baseball Hall of Fame—thrived for over two decades in baseball due to his prolific power, hitting 612 home runs. *Jim Thome*, BASEBALL REFERENCE <https://www.baseball-reference.com/players/t/thomeji01.shtml> (last visited Oct. 30, 2024). Terrance Gore made a career as a pinch runner relying

solely on this one tool of speed. He played eight seasons with four teams; in that time he only had sixteen hits and no home runs, yet he made it to the play-offs in five of his eight years and won two World Series championships. See Terrance Gore, *BASEBALL REFERENCE*, www.baseball-reference.com/players/g/gorete01.shtml (last visited Oct. 30, 2024).

7. See Gordon Hecht, *The Five-Tool Player*, YOUR SOURCE NEWS (June 30, 2024), <https://yoursourcenews.com/2024/06/the-five-tool-player>; Anthony Schullo, *Say Hey: Willie Mays and His Unparalleled Legacy*, YOUTINI (July 15, 2024), <https://youtini.com/guide/say-hey-willie-mays-and-his-unparalleled-legacy>.

8. Colonel Sean T. McGarry, *United States Army Trial Defense Service and Military Justice Next*, ARMY LAW., no. 2, 2023, at 11, 12.

9. *History of the U.S. Army Legal Services Agency*, JAGCNET, <https://www.jagcnet.army.mil/Sites/usalsa.nsf/homeDisplay.xsp?open&documentId=D-731B99A5E47C74685257BD4006E0592> (last visited Oct. 8, 2024).

10. Pol'y Memorandum 06-7, Off. of Judge Advoc. Gen., subject: Location, Supervision, Evaluation, and Assignment of Judge Advocates in Modular Force Brigade Combat Teams (10 Jan. 2006).

11. Colonel Evah K. McGinley, *Ten Years In: Special Victims' Counsel Practice in the Era of the Office of Special Trial Counsel*, ARMY LAW., no. 2, 2023, at 27, 28.

12. See Pamela Reynolds, *Strategic Leadership*, PRO. & EXEC. DEV.: HARV. DIV. OF CONTINUING EDUC. (Jan. 8, 2024), <https://professional.dce.harvard.edu/blog/strategic-leadership>.

13. See *How Do You Balance Strategic Thinking and Emotional Intelligence as a Leadership Coach and Consultant?*, LINKEDIN (Sept. 1, 2024), <https://www.linkedin.com/advice/0/how-do-you-balance-strategic-thinking-emotional> ("Strategic thinking and emotional intelligence are not mutually exclusive, but complementary skills that can enhance your performance and impact [in leadership].").

14. See Joseph Johnson, *What Is Fielding in Baseball? Understanding Baseball Fielding Positions and Techniques*, CRASHBURNALLEY, <https://crashburnalley.com/what-is-fielding-in-baseball> (last visited Oct. 30, 2024).

15. See Lieutenant Colonel Amelia Duran-Stanton & Colonel Alicia "Ali" Masson, *Lessons in Followership: Good Leaders Aren't Always Out Front*, ARMY MAG.: ASS'N OF U.S. ARMY (May 18, 2021), <https://www.ausa.org/articles/lessons-followership-good-leaders-arent-always-out-front>.

16. See Rob Gray et al., *Investigating Team Coordination in Baseball Using a Novel Joint Decision Making Paradigm*, FRONTIERS IN PSYCH., vol. 8, June 2017, at 1, 1.

17. See U.S. DEP'T OF ARMY, DOCTRINE PUB. 6-22, ARMY LEADERSHIP AND THE PROFESSION para. 8-8 (31 July 2019).

18. *Id.* paras. 5-44 to 5-47.

19. See Juan Toribio, *Otherworldly Ohtani Creates 50-50 Club in a 6-for-6 Game for the Ages*, MLB (Sept. 20, 2024), <https://www.mlb.com/news/shohei-ohtani-reaches-50-homers-50-steals>.

20. *Id.*