



THE MILITARY JUSTICE REVIEW PANEL  
ARTICLE 146, UNIFORM CODE OF MILITARY JUSTICE

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January 19, 2023

MEMORANDUM FOR General Counsel of the Department of Defense

SUBJECT: Assessment of Articles 32 and 34

1. On behalf of the Military Justice Review Panel (MJRP), I write to update you on the status of the Panel's response to your May 11, 2022, memorandum requests related to articles 32 and 34 of the Uniform Code of Military Justice (UCMJ).
2. At its first meeting on October 20, 2022, the Panel received a briefing on the Defense Legal Services Agency report assessing preliminary hearings under article 32 of the UCMJ and prereferral advice under article 34 of the UCMJ. At its second meeting on January 17, 2023, the Panel heard testimony from five distinct groups regarding their perspective of the current usefulness of article 32 preliminary hearings: (1) the Judge Advocates General of the Military Services and the Staff Judge Advocate to the Commandant of the Marine Corps; (2) the four Lead Special Trial Counsel; (3) the heads of the Services' criminal law departments; (4) the heads of the Services' trial defense organizations; and (5) the heads of the Services' Special Victims' Counsel/Victims' Legal Counsel programs. At its third meeting on April 18-19, 2023, the Panel will hear from commanding officers and review additional staff research into these issues.
3. After our review and deliberations are complete, the Panel will submit a consolidated assessment for your consideration. Because of the importance and complexity of the process we are studying, we will not meet the suspense date (February 20, 2023) set in in your initial request.
4. The members of the Panel and I were grateful for the chance to hear directly from you at our meeting in Arlington this week and look forward to the work ahead. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dr. Elizabeth L. Hillman".

Dr. Elizabeth L. Hillman, Chair