



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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IN REPLY REFER TO

JAGINST 5803.2
JAG 132
13 May 2004

JAG INSTRUCTION 5803.2

From: Judge Advocate General

Subj: CERTIFICATION OF "GOOD STANDING" WITH LICENSING AUTHORITY

Ref: (a) JAGINST 5803.1(series)

1. Purpose. To establish a biennial requirement for all active and Reserve Navy and Marine Corps judge advocates and Department of the Navy civil service and contract attorneys practicing under the cognizance of the Judge Advocate General to provide proof of "good standing" with their licensing authority.

2. Background. Rule 8.6 of reference (a) requires all covered attorneys to remain "in good standing" with their licensing authority. Individuals may be required to provide proof of compliance with this rule.

3. Definitions

a. Covered attorneys. For the purposes of this instruction, the term "covered attorneys" includes all active and Reserve Navy and Marine Corps judge advocates and Department of the Navy civil service and contract attorneys practicing under the cognizance of the Judge Advocate General.

b. "Good Standing." Generally the Judge Advocate General relies on the licensing authority granting the certification or privilege to practice law to define the phrase "good standing." However, as circumstances require, the Judge Advocate General may, instead, use separate criteria to determine compliance. At a minimum, "good standing" means the individual (1) is subject to the jurisdiction's disciplinary review process; (2) has not been suspended or disbarred from the practice of law within the jurisdiction; (3) is up-to-date on the payment of all required fees; (4) has met applicable continuing legal education requirements which the jurisdiction has imposed (or the cognizant authority has waived); and (5) has met any other requirements the cognizant authority set for eligibility to practice law. So long as these conditions are met, an attorney

may be "inactive" as to the practice of law within a particular jurisdiction and still be "in good standing" for purposes of this instruction.

4. Action

a. Every 2 years, beginning in 2006, from January 15 until April 1, all covered attorneys are required to provide proof of "good standing" with their licensing authority. The two Rules Counsel, as defined in reference (a), and the Assistant Deputy Judge Advocate General are responsible for ensuring compliance within their respective communities. Prior to each certification period, these individuals will provide specific guidance on the certification procedure. Each covered attorney is personally responsible for providing sufficient proof of "good standing." Below are examples of satisfactory and unsatisfactory documentation:

(1) Satisfactory documentation:

(a) Letter from state licensing authority stating the individual is in "good standing."

(b) Letter from state licensing authority certifying compliance with the five criteria listed in the definition of "good standing."

(c) Copy of bar card with date, current within the window for submission.

(d) For covered attorneys who are judges in civilian courts or others who are prohibited from being members of state bars, written certification that they have met the five criteria listed in the definition of "good standing."

(e) Internet or E-Mail verification from state licensing authority noting the individual is in "good standing" or meets the five criteria listed in the definition of "good standing."

(2) Unsatisfactory documentation:

(a) Copy of bar card with no date or indication of whether it is current.

(b) Receipt reflecting payment of current fees.

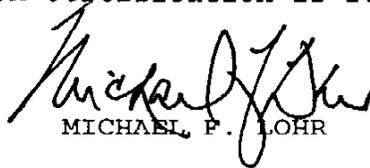
(c) Certificate of completion of minimum continuing legal education requirements.

(d) State listing of attorneys by name.

b. Attorneys admitted to practice law with more than one state need only provide proof of "good standing" with one state. However, attorneys are reminded reference (a) requires them to report the initiation of disciplinary investigation or action by any jurisdiction in which they are licensed.

c. Failure to provide satisfactory proof of "good standing" may result in professional disciplinary action as provided for in reference (a), including loss of certification under Articles 26 and/or 27(b), UCMJ, adverse entries in military service records, and administrative separation under SECNAVINST 1920.6(series) based on the officer's failure to maintain professional qualifications. In the case of civil service and contracted civilian attorneys practicing under JAG's cognizance and supervision, failure to provide proof of "good standing" may result in adverse administrative action under applicable personnel regulations, including termination of employment.

d. Rules Counsel and the Assistant Deputy Judge Advocate General will report compliance within their areas of responsibility to the Judge Advocate General no later than April 15 of each year in which certification is required.


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