



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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13 June 2008

MEMORANDUM FOR DISTRIBUTION

Subj: COMPLIANCE WITH DEPARTMENT OF THE NAVY (DON) ETHICS COUNSELOR CERTIFICATION AND TRAINING PROGRAM (ECCP) BY ETHICS COUNSELORS PRACTICING UNDER THE COGNIZANCE OF THE JUDGE ADVOCATE GENERAL OF THE NAVY

Ref: (a) SECNAVINST 5430.7N (Subj: Assignment of Responsibilities and Authorities in the Office of the Secretary of the Navy)
(b) DoD 5500.7-R of 30 Aug 93 (Joint Ethics Regulation)
(c) DON GC memo of 11 Apr 08 (Subj: Appointment of Deputy Designated Agency Ethics Officials and Ethics Counselors)
(d) DON GC memo of 11 Apr 08 (Subj: Ethics Counselor Certification and Training Program)

Encl: (1) Ethics Counselor Initial Certification Form (Navy Judge Advocate, assigned to EC billet as of 11 April 2008)
(2) Ethics Counselor Initial Certification Form (Navy Judge Advocate, assigned to EC billet after 11 April 2008)
(3) Ethics Counselor Annual Refresher Certification Form (Navy Judge Advocate)

1. Purpose. To ensure compliance with the Department of the Navy (DON) Ethics Counselor Certification and Training Program (ECCP) by Ethics Counselors who practice under the cognizance of the Judge Advocate General of the Navy.

2. Background. In accordance with reference (a), the Navy General Counsel is the DON Designated Agency Ethics Official (DAEO). In accordance with reference (b), the DON DAEO is authorized to appoint in writing department attorneys to serve as Deputy DAEOs. In reference (c), the DON DAEO appointed the Deputy Judge Advocate General as a DON Deputy DAEO, responsible for ethics and standards of conduct matters within the Navy Judge Advocate General's Corps. As established in reference (d), a component of these Deputy DAEO responsibilities is

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ensuring compliance with the DON ECCP by Ethics Counselors who practice under the cognizance of the Navy Judge Advocate General (hereinafter "JAG Ethics Counselors").

The objective of the DON ECCP is to establish minimum requirements for attorneys serving as Ethics Counselors in the DON. Ethics Counselor certification indicates that the attorneys who are designated as Ethics Counselors have received training or job experience relating to the Core Subjects of Standards of Conduct and Government Ethics.

As stated in reference (d), ECCP Certification is not a prerequisite for appointment as a JAG Ethics Counselor or for performance of the duties of a JAG Ethics Counselor. Further, neither appointment as a JAG Ethics Counselor nor performance of the duties of a JAG Ethics Counselor is a prerequisite for Initial Certification; any Navy judge advocate may be certified in accordance with reference (d) and this memorandum.

3. Scope and Applicability

a. Definitions. For purposes of this memorandum, the following terms and definitions apply.

(1) JAG Ethics Counselor. Any Designated Ethics Counselor who practices under the cognizance of the Navy Judge Advocate General. They include any attorney assigned, as of the ECCP Effective Date, to one of the billets listed in annex (c) to reference (d). They also include any additional attorneys designated by me in writing, as authorized by reference (c).

(2) Core Subjects of Standards of Conduct and Government Ethics. Core Subjects of Standards of Conduct and Government Ethics include Ethics Counselor Fundamentals, Gifts, Conflicts of Interest, Use of Government Resources, Relations with Non-Federal Entities, Fundraising, Outside Activities, Financial Disclosures, Post-Government Employment, and Political Activities.

(3) Approved Live Ethics Counselor Training Courses. Approved Live Ethics Counselor Training Courses include the Ethics Counselor Course (TJAGLCS), the Staff Judge Advocate Course (NJS), the Advanced Staff Judge Advocate Course (NJS), and the Basic Lawyer Course (NJS). Because the ethics portion of the curriculum of the Basic Lawyer Course (BLC) was not

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increased to the requisite eight hours of ethics instruction until 2007, the only BLCs qualifying as an Approved Live Ethics Counselor Training Course are BLC Class 070103 (i.e., which convened from May to July 2007) and subsequent BLCs. As seats are limited in the other Approved Live Ethics Counselor Training Courses, non-accession Navy judge advocates who are required to satisfy the Initial Certification but are unable to obtain a seat in the Ethics Counselor Course, the Staff Judge Advocate Course, or the Advanced Staff Judge Advocate Course in the immediate future, may be permitted by the Commanding Officer, Naval Justice School, on a space-available basis at no additional cost to the Naval Justice School, to attend the ethics portion of the Basic Lawyer Course.

(4) Approved Online Ethics Counselor Training. Approved Online Ethics Counselor Training includes training available at one of the following websites:

(a) U.S. Office of Government Ethics (OGE) website
(http://www.usoge.gov/pages/comp_web_trng/comp_web_trng.html)

(b) DoD Standards of Conduct Office (DoD SOCO) website (http://www.dod.mil/dodgc/defense_ethics/)

(c) DON Ethics Compass website
(<https://ogconline.navy.mil/ethics/>).

(5) Appropriate Self-Study Ethics Counselor Training. Appropriate Self-Study Ethics Counselor Training includes a substantive review of the applicable chapters of the most recent DoD Ethics Counselor Deskbook, available at http://www.dod.mil/dodgc/defense_ethics, for each Core Subject of Standards of Conduct and Government Ethics.

(6) ECCP Effective Date. The effective date of the establishment of the DON ECCP (i.e., 11 April 2008).

(7) EC Reporting/Designation Date. The date when a particular Navy judge advocate either reported to a JAG Ethics Counselor billet or was otherwise designated by me in writing as a JAG Ethics Counselor.

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4. Initial Certification. All JAG Ethics Counselors must either satisfy the waiver criteria or earn Initial Certification, as specified below.

a. Deadline. A Navy judge advocate serving as a JAG Ethics Counselor as of the ECCP Effective Date must either satisfy the waiver criteria or earn Initial Certification by 10 October 2008. If a Navy judge advocate was not serving as a JAG Ethics Counselor as of the ECCP Effective Date, but becomes a JAG Ethics Counselor thereafter, then that Navy judge advocate must - if not previously certified -- earn Initial Certification within six months of their EC Reporting/Designation Date.

b. Extension. An extension of time for a particular Navy judge advocate serving as a JAG Ethics Counselor to complete Initial Certification Form may be granted in writing by the Deputy Assistant Judge Advocate General (Administrative Law) for good cause. A request for an extension must be prepared by the requesting Navy judge advocate as a standard Navy letter, state the basis for the request, specify the amount of additional time needed to complete the Initial Certification, and be signed by the requesting Navy judge advocate. The signed request will be scanned and submitted by email via the Head, Standards of Conduct and Government Ethics Branch, Administrative Law Division, Office of the Judge Advocate General (ojagethics@navy.mil).

c. Waiver. Under reference (d), the Deputy Judge Advocate General may waive the Initial Certification requirement for any JAG Ethics Counselors. Pursuant to this authority, I hereby approve any individual Navy judge advocate for a waiver of the Initial Certification requirement if one of the following bases has been satisfied:

i. the individual served as an Ethics Counselor for the two years immediately prior to the ECCP Effective Date or, if applicable, the EC Reporting/Designation Date;

ii. the individual completed one of the Approved Live Ethics Counselor Training Courses during the two years immediately prior to the ECCP Effective Date or, if applicable, the EC Reporting/Designation Date; or

iii. the individual has not satisfied the criteria for either subparagraph (i) or (ii), but has served as a JAG Ethics

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Counselor for a combined total of five years in the ten years preceding the ECCP Effective Date or, if applicable, EC Reporting/Designation Date. (Note: An individual qualifying for a waiver under this basis should conduct appropriate refresher self-study in the current DoD Ethics Counselor's Deskbook to gain awareness of recent developments in ethics laws and regulations.)

d. Certification. If a Navy judge advocate does not qualify for a waiver of the Initial Certification requirement as described above in paragraph 4(c), they must earn Initial Certification. Under reference (d), Initial Certification may be accomplished by completing one of the following:

i. attending one of the Approved Live Ethics Counselor Training Courses;

ii. completing Approved Online Ethics Counselor Training (minimum of eight hours) (Note: This method of training is expressly authorized under reference (d) to satisfy the Initial Certification requirement; however, due to limited content available on any of the approved websites, it is the least preferable method of training and the most difficult for an individual to successfully accumulate the requisite hours of training.);

iii. completing Appropriate Self-Study Ethics Counselor Training in the each of the Core Standards of Conduct and Government Ethics Subjects (minimum of ten total hours, with a minimum of one hour per core subject); or

iv. completing a combination of Approved Live Ethics Counselor Training, Approved Online Ethics Counselor Training, or Appropriate Self-Study Ethics Counselor Training (minimum of 10 total hours).

e. Method of Waiver or Certification. An individual Navy judge advocate obtains a waiver of the Initial Certification or earns an Initial Certification by completing a copy of either enclosure (1) or (2), as appropriate. All JAG Ethics Counselors will submit a scanned copy of their signed Initial Certification Form via email to the Head, Standards of Conduct and Government Ethics Branch, Office of the Judge Advocate General (ojagethics@navy.mil).

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5. Annual Refresher Training. In addition to the Initial Certification requirement, all JAG Ethics Counselors must complete Annual Refresher Training to maintain certification.

a. Deadline. The Annual Refresher Training must be certified by 31 December of each year. Attorneys who have completed the Initial Certification requirement (either by waiver or by certification) in the applicable calendar year are not required to complete the Annual Refresher Training in the same calendar year.

b. Waiver. The requirement to complete Annual Refresher Training may be waived by the Deputy Assistant Judge Advocate General (Administrative Law). A request for a waiver must be in writing, state the basis of the request, and be signed by the requesting Navy judge advocate. The signed request will be scanned and be submitted by email via the Head, Standards of Conduct and Government Ethics Branch, Office of the Judge Advocate General (jag.ethics@navy.mil). Due to the importance of JAG Ethics Counselors continuing to keep abreast of recent developments in ethics law and regulations and the relatively minimal time commitment to satisfy this requirement, requests for waivers of the Annual Refresher Training requirement are strongly discouraged.

c. Certification. Under reference (d), Annual Refresher Training shall be accomplished by completing one of the following:

i. attending one of the Approved Live Ethics Counselor Training Courses;

ii. completing Approved Online Ethics Counselor Training (minimum of one hour); or

iii. completing Appropriate Ethics Counselor Self-Study Training (minimum of one hour total) (Note: The division of the one hour among the Core Subjects of Standards of Conduct and Government Ethics is left to the discretion of the individual JAG Ethics Counselor, as dictated by their ethics practice).

d. Method of Certification. An individual Navy judge advocate certifies completion of Annual Refresher Training by completing a copy of enclosure (3). All JAG Ethics Counselors will submit a scanned copy of their signed Annual Refresher

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Training Certification Form via email to the Head, Standards of
Conduct and Government Ethics Branch, Office of the Judge
Advocate General (ojagethics@navy.mil).

6. Responsibility

a. The Deputy Assistant Judge Advocate General
(Administrative Law) is responsible for oversight of the ECCP
for JAG Ethics Counselors. This oversight responsibility
includes:

i. Approving or disapproving any request by a Navy
judge advocate for an extension of time to satisfy the Initial
Certification requirement;

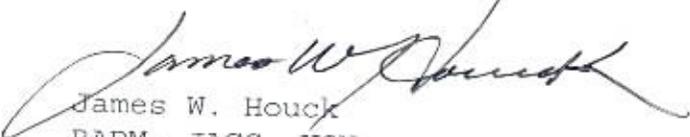
ii. Approving or disapproving any request by a Navy
judge advocate for a waiver of the Annual Refresher Training
requirement.

b. The Head, Standards of Conduct and Government Ethics
Branch, Office of the Judge Advocate General, is responsible for
day-to-day management of the ECCP for JAG Ethics Counselors.
This management responsibility includes:

i. Maintaining documentation of Initial Certification
and Annual Refresher Training for all JAG Ethics Counselors;

ii. Coordinating any request by a Navy judge advocate
for an extension of time to satisfy the Initial Certification
requirement;

iii. Coordinating any request by a Navy judge advocate
for a waiver of the Annual Refresher Training requirement.


James W. Houck
RADM, JAGC, USN
Deputy Judge Advocate General

Attachments:
As stated

Dist:
All Navy judge advocates

**Ethics Counselor (EC)
Initial Certification Form**

(Navy Judge Advocate, assigned to EC billet as of 11 April 2008)

PERSONAL INFORMATION

Full Name: _____ Command Address: _____
Rank: _____
Command: _____ Command Telephone: _____
Current Billet: _____
Date assumed duties as EC in current billet: _____ Email address: _____

WAIVER

I qualify for a waiver from the Initial Certification requirement under one of the following pre-approved bases:

- _____ I have served as an EC continuously for the two years immediately prior to 11 April 2008.
- _____ I have completed an Approved Live EC Training Course (Circle one: Ethics Counselor Course, Staff Judge Advocate Course, Advanced Staff Judge Advocate Course) during the two years immediately prior to 11 April 2008. Dates: _____
- _____ I have neither served as an EC continuously for the two years immediately prior to 11 April 2008 nor completed an Approved EC Training Course during the two years immediately prior to 11 April 2008; however, I have served as an EC for a combined total of five years between 11 April 1998 and 11 April 2008. Billets and Dates: _____

SELF-CERTIFICATION

I do not qualify for a waiver from the Initial Certification requirement; however, I certify that between 11 April 2008 and 11 October 2008:

- _____ I have completed one of the following Approved Live EC Training Courses:
 - ___ Ethics Counselor Course (IJAGSLC) Dates: _____
 - ___ Staff Judge Advocate Course (NJS) Dates: _____
 - ___ Advanced Staff Judge Advocate Course (NJS) Dates: _____
 - ___ Basic Lawyer Course (NJS)(BLC 070103 or later) Dates: _____
- _____ I have completed the following Approved Online EC Training (8 hours minimum):
Description: _____
- _____ I have completed Appropriate Self-Study Training in the Core Subjects of Standards of Conduct and Government Ethics, which included reviewing the following chapters of the current DoD Ethics Counselor Deskbook (minimum of 10 total hours; with a minimum of 1 hour per core subject): Ethics Counselor Fundamentals; Gifts; Conflicts of Interest; Use of Government Resources; Relations with Non-Federal Entities; Fundraising; Outside Activities; Financial Disclosure; Post-Government Employment; and Political Activities.
- _____ I have completed a combination of Approved Live Training, Approved Online Training, or Appropriate Self-Study Training (10 hours minimum).
Description: _____

Signature: _____ **Date:** _____

(After completing this certification form, please scan into .pdf format and email it to ojagethics@navy.mil, with subject line "ETHICS COUNSELOR INITIAL CERTIFICATION: [YOUR NAME, YOUR RANK]")

Enclosure (1)

**Ethics Counselor (EC)
Initial Certification Form**

(Navy Judge Advocate, assigned to EC billet after 11 April 2008)

PERSONAL INFORMATION

Full Name: _____ Command Address: _____
Rank: _____
Command: _____ Command Telephone: _____
Current Billet: _____
Date assumed duties as EC in current billet: _____
("My EC Reporting/Designation Date"(ECRDD)) Email address: _____

WAIVER

I qualify for a waiver from the Initial Certification requirement under one of the following pre-approved bases:

- _____ I have served as an EC continuously for the two years immediately prior to my ECRDD.
- _____ I have completed an Approved Live EC Training Course (Circle one: Ethics Counselor Course, Staff Judge Advocate Course, Advanced Staff Judge Advocate Course) during the two years immediately prior to my ECRDD. Dates: _____
- _____ I have neither served as an EC continuously for the two years immediately prior to my ECRDD nor completed an Approved EC Training Course during the two years immediately prior to my ECRDD; however, I have served as an EC for a combined total of 5 out of the 10 years immediately preceding my ECRDD. Billets and Dates: _____

SELF-CERTIFICATION

I do not qualify for a waiver from the Initial Certification requirement; however, I certify within the first six months after my ECRDD:

- _____ I have completed one of the following Approved Live EC Training Courses:
 - _____ Ethics Counselor Course (TJAGSLC) Dates: _____
 - _____ Staff Judge Advocate Course (NJS) Dates: _____
 - _____ Advanced Staff Judge Advocate Course (NJS) Dates: _____
 - _____ Basic Lawyer Course (NJS)(BLC 070103 or later) Dates: _____
- _____ I have completed the following Approved Online EC Training (8 hours minimum):
Description: _____
- _____ I have completed Appropriate Self-Study Training in the Core Subjects of Standards of Conduct and Government Ethics, which included reviewing the following chapters of the current DoD Ethics Counselor Deskbook (minimum of 10 total hours; with a minimum of 1 hour per core subject): Ethics Counselor Fundamentals; Gifts; Conflicts of Interest; Use of Government Resources; Relations with Non-Federal Entities; Fundraising; Outside Activities; Financial Disclosure; Post-Government Employment; and Political Activities.
- _____ I have completed a combination of Approved Live Training, Approved Online Training, or Appropriate Self-Study Training (10 hours minimum).
Description: _____

Signature: _____ **Date:** _____

(After completing this certification form, please scan into .pdf format and email it to ojaethics@navy.mil, with subject line "ETHICS COUNSELOR INITIAL CERTIFICATION: [YOUR NAME, YOUR RANK]"

**Ethics Counselor (EC)
Annual Refresher Certification Form**
(All Navy Judge Advocates assigned to EC billets)

PERSONAL INFORMATION

Full Name: _____ Command Address: _____
Rank: _____
Command: _____ Command Telephone: _____
Current Billet: _____
Date assumed duties as EC in current billet: _____ Email address: _____

SELF-CERTIFICATION

I certify that during the calendar year (*Circle one:* 2009 2010 2011 2012):

_____ I have completed one of the following Approved Live EC Training Courses:

- ___ Ethics Counselor Course (TJAGSLC) Dates: _____
- ___ Staff Judge Advocate Course (NJS) Dates: _____
- ___ Advanced Staff Judge Advocate Course (NJS) Dates: _____
- ___ Basic Lawyer Course (NJS)(BLC 070103 or later) Dates: _____

_____ I have completed the following Approved Online EC Training (1 hour minimum):

Description: _____

_____ I have completed Appropriate Self-Study Training in the Core Subjects of Standards of Conduct and Government Ethics, which included reviewing the following chapters of the current DoD Ethics Counselor Deskbook (1 hour minimum of total Self-Study): Ethics Counselor Fundamentals; Gifts; Conflicts of Interest; Use of Government Resources; Relations with Non-Federal Entities; Fundraising; Outside Activities; Financial Disclosure; Post-Government Employment; and Political Activities.

_____ I have completed a combination of Approved Live Training, Approved Online Training, or Appropriate Self-Study Training (1 hour minimum).

Description: _____

Signature: _____

Date: _____

(After completing this certification form, please scan into .pdf format and email it to ojagethics@navy.mil, with subject line "ETHICS COUNSELOR ANNUAL REFRESHER CERTIFICATION: [YOUR NAME, YOUR RANK]"