



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

JAGINST 5803.2A  
OJAG (Code 13)

10.9 NOV 2009

JAG INSTRUCTION 5803.2A

From: Judge Advocate General

Subj: CERTIFICATION OF "GOOD STANDING" WITH LICENSING AUTHORITY

Ref: (a) JAGINST 5803.1 (series)

1. Purpose. To publish regulations regarding the biennial requirement for all active-duty 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. Cancellation. JAGINST 5803.2.

3. 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.

4. Definitions

a. Covered attorneys. For the purposes of this instruction, the term "covered attorneys" includes all active-duty 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 current 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. Provided 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.

5. Action

a. Every two (2) years, from January 15 until April 1, all covered attorneys are required to provide proof of "good standing" with their licensing authority. The Rules Counsel, as defined in reference (a), is responsible for ensuring compliance with this instruction. Prior to each certification period, the Rules Counsel shall provide specific guidance regarding 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.

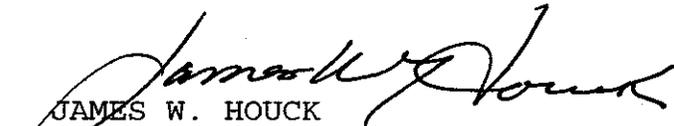
(c) Certificate of completion of minimum continuing legal education requirements.

(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, pursuant to reference (a), attorneys are reminded that they are required 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 Article 26 and/or Article 27(b), Uniform Code of Military Justice, 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 the cognizance and supervision of the Judge Advocate General, failure to provide proof of "good standing" may result in adverse administrative action under applicable personnel regulations, including termination of employment.

d. The Rules Counsel shall 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.

  
JAMES W. HOUCK  
Vice Admiral, JAGC, U.S. Navy  
Judge Advocate General