

JAGINST 5803.2B
OJAG (Code 13)
13 Jan 16

JAG INSTRUCTION 5803.2B

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, contract, and volunteer attorneys practicing under the cognizance of the Judge Advocate General to provide proof of "good standing" with their licensing authority.

2. Cancellation. JAGINST 5803.2A.

3. Background. Rule 8.6 of reference (a) requires all covered attorneys to remain "in good standing" with their licensing authority.

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, contract, and volunteer attorneys practicing under the cognizance of the Judge Advocate General.

b. "Good Standing." Covered attorneys must have a current license to practice law from at least one State, the District of Columbia, a U.S. commonwealth, or a U.S. territory. Civilian attorneys who work solely in a foreign jurisdiction must certify their compliance with the licensing requirements of their foreign jurisdiction.¹ Generally, the Judge Advocate General relies on the licensing authority granting the certification or privilege to practice law to define the phrase "good standing."

¹ For the purposes of this instruction, this category of attorneys are "covered attorneys" and subject to its requirements.

However, as circumstances require, the Judge Advocate General may, instead, use separate criteria to determine compliance. At a minimum, "good standing" means the covered attorney: (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, a covered 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 15 January until 1 April, 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 licensing authority stating the covered attorney is in "good standing" or similar language (e.g., "certified to practice," "licensed to practice," etc.).

(b) Letter from 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 from licensing authority that they

have met the five criteria listed in the definition of "good standing."

(e) Internet or E-mail verification from the licensing authority noting the individual is in "good standing," or similar language (e.g., "certified to practice," "licensed to practice," etc.), or meets the five criteria listed in the definition of "good standing." Verification must also indicate that the page was accessed or e-mail was received during the reporting period.

(2) Examples of unsatisfactory documentation:

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

(b) Receipt reflecting payment of current fees.

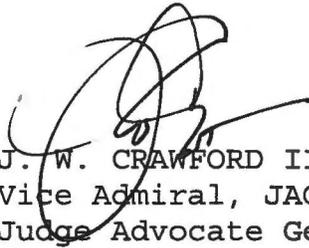
(c) Certificate of completion of minimum continuing legal education requirements.

(d) State listing of attorneys by name.

b. Covered attorneys admitted to practice law with more than one jurisdiction need only provide proof of "good standing" with one jurisdiction. However, pursuant to reference (a), covered attorneys 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 or suspension 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 respective areas of responsibility to the Judge Advocate General no later than April 15 of each year in which certification is required.



J. W. CRAWFORD III
Vice Admiral, JAGC, U.S. Navy
Judge Advocate General