



DEPARTMENT OF THE NAVY  
NAVAL LEGAL SERVICE COMMAND  
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IN REPLY REFER TO:

COMNAVLEGSVCCOMINST 1300.1A  
MAY 06 2015

COMNAVLEGSVCCOM INSTRUCTION 1300.1A

From: Commander, Naval Legal Service Command

Subj: FIRST TOUR JUDGE ADVOCATE PROGRAM

Ref: (a) JAGINST 1120  
(b) JAGINST 1001  
(c) SECNAVINST 1000.7F  
(d) OPNAVINST 1210.5  
(e) JAGINST 1500.4A  
(f) COMNAVLEGSVCCOMINST 5800.1G  
(g) JAGINST 5803.1E  
(h) JAGINST 5800.7F  
(i) NAVJUSTSCOLNOTE 1503 (NOTAL)

Encl: (1) Business Rules for First Tour Judge Advocates

1. Purpose. To publish policy for executing the First Tour Judge Advocate (FTJA) Program, including revised business rules applicable to the rotation and utilization of FTJAs reporting to their first assignment following completion of the Naval Justice School Basic Lawyer Course.

2. Cancellation. COMNAVLEGSVCCOMNOTE 1300

3. Applicability. This instruction applies to all FTJAs and those who facilitate the FTJA Program. Reserve Direct Appointments, Lateral Transfers, and Inter-service Transfers are governed by references (a) through (d).

4. Background

a. In accordance with reference (e), Commander, Naval Legal Service Command (CNLSC) is charged with managing and implementing training for all judge advocates to ensure the community remains capable of delivering high quality legal services to the Department of the Navy. Standardized FTJA training prepares FTJAs for follow-on assignments providing legal services world-wide to support fleet and shore commands. Commanding Officers (COs) remain responsible for professionally developing those under their charge.

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b. The FTJA Program promotes FTJA professional development as naval officers and prepares them for success in an increasingly complex and specialized legal operating environment. The Program consists of participating in Professional Military Education (PME), meeting Professional Development Standards (PDS), and completing rotations in four practice areas: Command Services, Prosecution Support, Legal Assistance, and Defense Services. The FTJA curriculum is intended to cement core competencies through a combination of supervised practice, independent research, cooperative learning, observation, and demonstration of skills.

c. FTJAs will have 24 months to complete the FTJA Program. If the 24-month period is interrupted by a deployment or other assignment, the FTJA will return to his or her parent command to complete the 24-month FTJA program.

(1) Practice Area Rotations

(a) The practice area rotations facilitate professional development and practical legal training by allowing FTJAs to observe, develop, and demonstrate their skills in a formal environment where they can interact with and obtain feedback from supervisory attorneys. Per reference (f), FTJAs will normally complete their first 12 months at a Region Legal Service Office (RLSO) (generally six months in Command Services and six months in Prosecution Support). This rotation will be followed by six-month rotations in Legal Assistance at the RLSO and Defense Services in the Defense Service Office (DSO), in the order agreed upon by the COs of the applicable RLSO and DSO.

(b) FTJAs will transfer between RLSOs and DSOs under Permanent Change of Activity (PCA) orders. PCA dates will be coordinated by the COs of the applicable RLSO and DSO. COs will inform PERS-4416 of all PCA requirements, command manning levels, and plans for detailing to subsequent rotations. Any issues will be raised to the Chief of Staff (CoS) RLSO and CoS DSO for resolution.

(2) PDS. The JAG Corps PDS program promotes the professional development of all FTJAs, emphasizing core legal skills in each of the practice areas. FTJAs must complete the PDS that corresponds to the practice area to which they are assigned prior to rotating to the next practice area. Per enclosure (1) of reference (e), FTJAs may complete the PDS modules in any order. They are not precluded by this

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instruction from working on other PDS sections outside of their assigned practice area. However, FTJAs should complete their Defense PDS during the Defense Services rotation as reference (f) prohibits a Professional Development Officer from signing substantive PDS for DSO personnel.

(3) PME Program. The PME program aids in the broad professional development of the FTJAs as naval officers. Per enclosure (2) of reference (e), the PME program lasts 24-months and consists of in-person and online modules covering the organization of the Navy and other branches of the armed forces; warfighting capabilities; personal career management; career management of subordinates; professional reading program discussions; and leadership seminars covering decision making and office management.

(4) Completion of the FTJA Program. RLSO and DSO COs will establish standard procedures for their commands, in writing, to assess whether each FTJA under their cognizance has successfully completed all practice area rotations, PDS, and PME requirements. The structure, periodicity, and conduct of these assessments, including the need for follow-up assessments, are within the discretion of each CO. The assessments should be used to validate PDS completion, to determine if the FTJA has acquired a satisfactory knowledge base, and as a mentoring tool to ensure an FTJA is ready for practice outside the FTJA construct. In addition, the assessments shall be used to evaluate and improve the effectiveness of NLSC FTJA training programs. Once the CO certifies that an FTJA has successfully completed the FTJA program, the FTJA is eligible for PCS orders and duties as assigned by his/her CO.

5. Utilization of FTJAs. Enclosure (1) contains business rules governing the utilization of FTJAs. Although COs are encouraged to take advantage of unique training opportunities for FTJAs, all judge advocates shall adhere to these business rules unless otherwise authorized in writing by CoS RLSO or CoS DSO.

6. Responsibilities

a. CoS RLSO and CoS DSO shall:

(1) Oversee the FTJA Program and ensure implementation.

(2) Act as approval authority for all requests to deviate from this instruction.

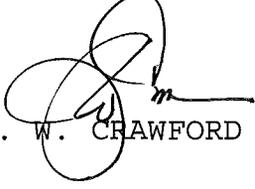
(3) Make quarterly reports to CNLSC listing all approved deviations from this instruction.

b. NLSC Commanding Officers (CO) shall:

(1) Assign and supervise FTJAs reporting onboard in accordance with this instruction and the applicable business rules set forth in enclosure (1).

(2) Submit requests in writing to CoS RLSO or CoS DSO to deviate from the provisions of this instruction providing a justification based upon operational demand, organizational needs, personnel qualifications and expertise, local conditions, or other special circumstances. Variations of one month or less in rotation length do not need CoS approval.

(3) Ensure newly-reporting FTJAs receive a projected rotation plan within 30 days of reporting to the RLSO. COs shall meet individually with each FTJA to discuss the rotation plan and to ensure each has received a copy. COs should discuss the rotation plan in person with their FTJA, but video teleconferencing is an acceptable substitute.

  
J. W. CRAWFORD III

Distribution:

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**BUSINESS RULES FOR FIRST TOUR JUDGE ADVOCATES**

1. First Tour Judge Advocate (FTJA) Definition. An active-duty Navy judge advocate reporting to his/her first Naval Legal Service Command assignment after completing the Naval Justice School Basic Lawyer Course.

2. Locations. FTJAs may receive orders to the following Region Legal Service Office (RLSO) locations:

RLSO Europe, Africa, and Southwest Asia, Naples, Italy  
RLSO Hawaii, Pearl Harbor, Hawaii  
RLSO Japan, Yokosuka, Japan  
RLSO Mid-Atlantic, Norfolk, Virginia  
RLSO Mid-Atlantic Detachment Groton, Connecticut  
RLSO Midwest, Great Lakes, Illinois  
RLSO Naval District Washington, D.C.  
RLSO Northwest, Bremerton, Washington  
RLSO Southeast, Jacksonville, Florida  
RLSO Southeast Detachment Mayport, Florida  
RLSO Southeast Detachment Pensacola, Florida  
RLSO Southwest, San Diego, California

3. Professional Responsibility and Conflicts of Interest. Commanding Officers (COs) shall actively monitor planned rotation dates and ensure that supervisory attorneys plan work assignments consistent with professional responsibility requirements. Each FTJA must obtain appropriate client waiver(s) before formally transferring between a Defense Service Office (DSO) and a RLSO. If a client does not elect to provide a waiver, the respective COs may agree to provide the FTJA meaningful non-conflicted legal assignments until the case is completed.

a. FTJAs are required to keep a written/electronic record of their courts-martial cases, administrative separation boards, boards of inquiry (BOIs), legal assistance cases, and the names of all clients seen for Defense Services. FTJAs, like all judge advocates, are responsible for avoiding conflicts of interest and maintaining required confidences at all times.

b. COs shall ensure that FTJAs receive proper oversight, supervision, and instruction on professional responsibility issues including potential conflicts of interest that may arise when transferring between RLSOs and DSOs. COs should periodically "spot check" the FTJA written/electronic record to ensure compliance with section 3a above. Supervisory attorneys

must ensure FTJAs are aware of and comply with requirements to keep client information confidential and avoid conflicts of interest under applicable JAG Professional Responsibility Rules (e.g., Rules 1.6 and Rules 1.9) in reference (g) and state rules of professional responsibility.

c. COs and supervisory attorneys must manage FTJA involvement in matters that may extend beyond the time of their rotation to minimize impact on clients, the command, and the FTJA.

4. FTJA Utilization. COs may exercise their discretion over the FTJA Program consistent with this instruction and business rules, as well as all applicable regulations.

a. Command Services. FTJAs may provide command services and advice in accordance with reference (f). This instruction and these business rules do not impose limitations on the practice of command services beyond those that apply to non-FTJAs. COs, Professional Development Officers (PDOs), and Command Services Department Heads will closely monitor FTJAs on a case-by-case basis to ensure their skills are appropriately matched to the needs of client commands. They shall also manage each FTJA's workload to allow for increasing complexity as FTJAs gain experience and skills.

b. Prosecution Support.

(1) At the discretion of the RLSO CO, FTJAs may:

(a) Provide support to RLSO Trial Counsel (TC) consistent with the Professional Development Standards (PDS), including but not limited to the following:

1. Researching and drafting work product, charging documents, court filings, memoranda and any other documents required by the RLSO.

2. Conducting a case investigation (not including witness interviews intended to make the FTJA a witness at trial).

3. Participating in trial preparation, including mock trials and discussions of case theme and theory.

4. Assisting with trial counsel logistics related to members and witnesses, and other administrative matters.

(b) Be designated as a government representative or assist with presentation of the case consistent with Military Rule of Evidence 615.

(c) Be assigned to assist TC at an Article 32 preliminary hearing.

(d) Be designated or detailed as government counsel for BOIs, administrative separation boards, initial review officer hearings, and other administrative proceedings.

(2) Consistent with the intent of this instruction to facilitate professional development and practical, standardized legal training of FTJAs, once an FTJA has completed all line items in the PDS for Military Counsel and Trial Counsel (enclosures (3) and (4) of reference (i), COs may assign FTJAs as Assistant TC (ATC) under the direct oversight of a supervisory attorney. Each FTJA may be assigned as ATC to one court-martial guilty plea. After assessing the FTJA's performance as ATC, using attachment (1), the CO may then assign the FTJA as ATC to one contested court-martial, if available. COs should not detail more than one FTJA to a case.

(3) Except as provided in paragraph 4.b.(2) above, FTJAs may not be detailed as TC or ATC on any court-martial absent a written waiver from the Chief of Staff (CoS) RLSO related to command workload or special qualifications and experience.

c. Legal Assistance. FTJAs may provide legal assistance services in accordance with JAGINST 5801.2B (Navy-Marine Corps Legal Assistance Program) and reference (f). This instruction and these business rules do not impose additional limitations on work that may be performed by FTJAs in Legal Assistance beyond existing rules and regulations. COs, PDOs, and Legal Assistance Department Heads will closely monitor FTJAs on a case-by-case basis to ensure their skills are appropriately matched to the needs of the client. They shall also manage each FTJA's caseload to allow for increasing complexity in workload as FTJAs gain experience and skills.

d. Defense Services.

(1) At the discretion of the DSO CO, FTJAs may:

(a) Be assigned to support non-FTJA defense counsel (DC) with specific court-martial tasks, provided they do not form an attorney/client relationship, engage in attorney/client communications with the accused, or allow the accused to perceive that the FTJA is his or her attorney.

(b) Provide defense services support to non-FTJA DC consistent with the PDS; references (f), (g), and (h); and this instruction.

(c) Be detailed as DC to administrative separation boards and BOIs.

(d) Provide personal representation advice and services.

(2) Limitations.

(a) FTJAs shall not:

1. When assisting with a court-martial, form an attorney/client relationship; engage in attorney/client communications; or behave in a manner that would cause the accused to perceive that the FTJA is his/her attorney. Clients must be advised in writing that FTJAs are not detailed to the case and are not the accused's counsel, but are subject to the same rules of confidentiality for privileged information.

2. Be detailed as DC for courts-martial. However, FTJAs may be detailed as Assistant DC and be authorized to form an attorney-client relationship if CoS DSO grants a written waiver related to command workload or special qualifications and experience.

3. Substitute for detailed counsel in any capacity, including in docketing meetings.

4. Interview potential court-martial witnesses or attend any DC witness interviews that create the potential for the FTJA to be called as a witness at trial.

5. Offer or negotiate pre-trial agreements or stipulations.

6. Be detailed to complex cases, or other types of assignments that typically involve a heightened level of complexity. Such assignments tend to take more than six months to complete, which would exceed the required FTJA assignment to Defense Services.

Assessment of First Tour Judge Advocate as Assistant Trial Counsel

Each of these questions assumes the Region Legal Service Office Commanding Officer (CO) is evaluating a First Tour Judge Advocate (FTJA). The evaluation should be based on expected levels of understanding at this level of experience. If the performance did not highlight an area of questioning, indicate "na."

PREPARATION:

1. Was the FTJA prepared for court? Y / N/ na
  
2. Were any delays or recesses caused by the FTJA's lack of preparation or lack of control of the processes? Y / N/ na
  
3. If events in the case required adjustment while in court, did the FTJA either appear to know what to do or display an understanding that he or she needed to seek assistance? Y / N/ na
  
4. Did the FTJA follow the direction of the supervisory counsel, or, if issued, by the judge? Y / N/ na

KNOWLEDGE:

5. Did the FTJA understand the Rules of Evidence? Y / N/ na
  
6. Did the FTJA understand the Rules of Procedure? Y / N/ na
  
7. Were any administrative errors caused by, or not corrected by, the FTJA? Y / N/ na

SKILLS:

8. Did the FTJA appear to have a cogent reason for the tactical decisions he or she made during the case? Y / N/ na
  
9. From the perspective of the supervising attorney, did the FTJA understand the strategic goals of the case (e.g., demonstrate an ability to execute, understand how the task assigned fits into a complete case process, and appropriately follow through and follow-up)? Y / N

OVERALL EVALUATION:

10. Did the FTJA understand and correctly apply aspects of the FTJA Professional Development Standards (PDS)? Y / N
  
11. Are you satisfied that the counsel's performance demonstrated a sufficient understanding of courtroom procedures such that he/she is ready to proceed to the next level of practice (i.e., participation in a contested case under supervision)? Y / N

ADDITIONAL COMMENTS:

12. If the FTJA is not prepared for the next level of practice, please indicate which areas he/she should develop further in order to succeed:

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CO signature: \_\_\_\_\_

Date: \_\_\_\_\_