DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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IN REPLY REFER TO
JAGINST 1120
Code 62
OCT 07 2010

JAG INSTRUCTION 1120

From: Judge Advocate General

Subj: RESERVE JUDGE ADVOCATE DIRECT APPOINTMENT PROGRAM

Ref: (a) OPNAVINST 1120.11
(b) OPNAVINST 1120.3A
(c) Title 10, U.S. Code
(d) CNP Decision Memo dtd 23 Apr 10
(e) SECNAVINST 5430.27C
(f) JAGINST 1001
(g) JAGINST 5803.2A
(h) JAGINST 1150.1B

1. Purpose. This instruction provides procedures and requirements for direct appointment to the Reserve Component of the United States Navy Judge Advocate General's Corps. It also implements the authority described in paragraph 4.c of reference (a) and operates in concordance with Program Authorization 209 of enclosure (1) to reference (b). To the extent there is conflict in provisions of Program Authorization 209, this instruction governs.

2. Policy. The Judge Advocate General's Corps has traditionally filled its Reserve Component with officers who have active component experience. Officers leaving the active component will continue to be the primary source of Reserve Component accessions. However, in limited circumstances, the Navy may benefit from the unique specialized legal expertise of civilian attorneys. In these limited circumstances, it may be appropriate to access an attorney directly from civilian practice.

3. Authorization. Successful applicants will be appointed under the authority described in paragraph 4.c of reference (a), paragraph 4 of reference (b), and chapter 1205 of reference (c).

4. Recruiting. Recruiting for the Reserve Direct Appointment Program (RDAP) is authorized by reference (a). This instruction activates RDAP recruiting. The Office of the Judge Advocate General Reserve and Retired Affairs (Code 62) shall be responsible for RDAP recruiting and for ensuring that RDAP recruiting activities undertaken by Code 62 are sufficiently

funded; however, in accordance with reference (d), the Chief of Naval Personnel retains sole authority to initiate actions to recruit Members of Congress, political appointees of the Executive Branch, or members of the Federal judiciary [hereinafter referred to as senior applicants]. Additional recruiting activities by Commander Navy Recruiting Command (CNRC) are required, as specified in paragraph 7.d.4 of this Instruction.

5. Qualifications. To be eligible for direct appointment as a judge advocate in the Reserve Component, the applicant must meet the basic qualifications described in paragraph 7 of reference (a) and the professional qualifications described in paragraph 8 of reference (a). Professional qualifications are examined in accordance with paragraph 9 of reference (a).

6. Experience

a. Paragraph 4 of reference (e) describes the areas of practice within the Department of the Navy under the cognizance of the Judge Advocate General. In accordance with paragraph 4 of reference (f), Reserve direct appointees will be targeted primarily to fill requirements for specialized expertise as determined annually by the Judge Advocate General (JAG).

b. Civilian work experience must be validated with a résumé and at least three professional references.

c. Military work experience, if any, must be validated with the applicant's service record, including the three most recent observed performance evaluations, positions held, and military training and education completed. Any previous military service discharge records, including DD-214s, must also be provided.

7. Application Process

a. Code 62 is responsible for the RDAP application process and the Reserve Direct Appointment Accessions Board.

b. Application. Applicants must submit the JAG Corps Online Application found at www.jag.navy.mil. Applicants must be authorized to practice law before the highest court of at least one State, and must submit a certificate of good standing (or other satisfactory document described in paragraph 5 of reference (g)) issued by the applicant's licensing authority. Applicants who have been authorized to and have practiced law for 3 years or more are not required to submit LSAT scores as part of their applications. In the event a senior applicant

submits a web-based application, Code 62 shall immediately notify CNRC.

c. Interviews. Applicants must interview with two Navy judge advocates who are certified by the JAG to conduct interviews. One interviewer shall be a Navy Reserve judge advocate. A list of certified interviewers is posted on www.jag.navy.mil. Interviewing officers will prepare an appraisal assessing the applicant's fitness for appointment and will forward the appraisal form to Code 62 for evaluation by the Reserve Direct Appointment Accessions Board.

d. Reserve Direct Appointment Accessions Board. The Reserve Direct Appointment Accessions Board (Board) will meet as required to consider applications for direct appointment as a Reserve Navy Officer in the Judge Advocate General's Corps. The Board will include at least four members each of whom will be a judge advocate of a rank not less than Commander (O-5), and be approved for service on the Board by the JAG. A precept approved by the JAG is required for each Reserve Direct Appointment Accessions Board.

(1) Materials Considered by the Reserve Direct Appointment Accessions Board. Board members shall review all materials submitted by each applicant pursuant to paragraph 7.b of this Instruction.

(2) Accession Board Procedures. The Reserve/Full-Time Support Officer Community Manager (BUPERS-318) will calculate the selection opportunity required to meet recruiting and end-strength needs. However, the Board is not required to select any of the applicants. Additionally, the Board is not required to select the maximum number of accessions authorized. At the Board's conclusion, all members shall sign a Board report listing the names of selectees. Paragraph 7.e of reference (h) describes the selection criteria that the Reserve Direct Appointment Accessions Board will consider.

(3) Approval of Board Results. All candidates selected by the Board must be evaluated by the Deputy JAG (Reserve Affairs and Operations). Code 62 will then forward to the JAG the signed Board report containing the names of all applicants, as well as the Board's selection recommendations and Deputy JAG (Reserve Affairs and Operations) comments. The JAG may approve the Board report in its entirety, partially approve the Board report as to certain selections, or order a reopening of deliberations on any applicant. The Board report shall not be considered final until approved by the JAG. If Code 62 becomes

aware of new or additional material information pertaining to a selectee following approval of the Board report but before a selectee's appointment, Code 62 may request, and the JAG may approve, an amendment to the previously-approved Board report. The amendment may downgrade a selectee to a non-select status.

(4) Post-approval Actions. Once the JAG approves the Board report, Code 62 shall forward the approved Board results to CNRC who will notify cognizant Naval Recruiting Districts (NRDs) to inform all applicants of their selection or non-selection. All letters of notification of selection for commission or disqualification to a senior applicant will be approved by CNP or higher authority. Code 62 shall be the selectees' primary JAG Corps point of contact. The submitting NRD is responsible for completing each selectee's appointment package, including medical examination, background investigation, physical fitness assessment, and reference checks, and forwarding the completed package to CNRC for review and processing. Following review, CNRC will make a final selection and generate the necessary documentation for final appointment and commissioning. Should credible evidence of misrepresentation of a material fact or credible information that casts doubt on a selectee's fitness for appointment arise during this process, Code 62 shall immediately report the facts and circumstances to the JAG. With the JAG's approval, Code 62 may suspend or withdraw an applicant's package from further processing.

(5) Appointment. Selectees will be appointed in accordance with paragraph 13 of reference (a). Upon the conclusion of the Post-approval Actions set forth in paragraph 7.d.4 of this instruction, each selectee's appointment must be approved by the JAG in order for the appointment to take effect. The JAG will approve: (1) the selectee's appointment package prepared by the NRD; and (2) the final appointment and commissioning documentation prepared by CNRC.

(6) Deferral Requests. With the concurrence of the cognizant NRD, Code 62 may approve requests to defer acceptance of Reserve appointments if the requested delay will not extend beyond the fiscal year in which the selectee was to begin Reserve duty. Deferral requests that may extend beyond the fiscal year in which a selectee was to begin Reserve duty must be forwarded to the Deputy JAG (Reserve Affairs and Operations) for approval.

8. Entry Grade. Entry grade and date of rank will be based on the standards set forth in paragraphs 10 through 13 and Enclosure (2) of reference (a). Code 62 is responsible for calculating entry grade credit, if any.

9. Training

a. Officer Indoctrination. Unless the Deputy JAG (Reserve Affairs and Operations) waives this requirement, selectees must complete the Direct Commission Officer Indoctrination Course (DCOIC) within 1 year of the date of appointment. Paragraph 5.b of reference (b) pertains. Code 62 will ensure that funding and quotas are available for the DCOIC.

b. Professional Training. Within one year of the date of appointment, selectees must complete the Basic Lawyer Course at Naval Justice School or must otherwise be certified by the JAG to practice law in any area in the Department of the Navy under the cognizance of the Judge Advocate General.

10. Service Obligation

a. Selectees will incur an immediate 3-year Selected Reserve obligation and a concurrent 8-year Ready Reserve obligation. Both obligations begin on the date of appointment.

b. Selectees must maintain eligibility for worldwide assignment.

11. Internal Guidance Only. This instruction provides internal Judge Advocate General guidance on the JAG Corps Reserve Direct Appointment Program and Reserve Direct Appointment Accession Boards. It is not intended to, and does not create, any rights or benefits, substantive or procedural, enforceable at law by any applicant. This instruction does not limit the lawful prerogatives of the Department of the Navy or its officials.

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