



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

JAG/COMNAVLEGSVCCOM

Notice 5040

002/001IG

NOV 15 2011

JAG/COMNAVLEGSVCSCOM Notice 5040

From: Judge Advocate General
Commander, Naval Legal Service Command

Subj: FY-12 ARTICLE 6 COMMAND ASSESSMENT PROGRAM

Ref: (a) JAG/CNLSCINST 5040.1A

Encl: (1) FY-12 CNLSC Inspection Schedule
(2) Article 6 Inspection Checklists
(3) JAG/CNLSC Special Interest Items & Management
Internal Controls
(4) JAG/CNLSC HQ Subject Matter Experts

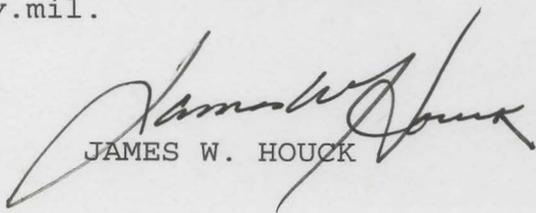
1. Purpose. To promulgate the FY12 Article 6 Command Assessment program for the Office of the Judge Advocate General (OJAG), Naval Legal Service Command (NLSC), Naval Legal Service Offices (NLSO), Region Legal Service Offices (RLSO), non-Commander, Naval Legal Service Command (CNLSC) Staff Judge Advocate (SJA) offices, and the Naval Justice School (NJS).

2. Enclosures (1) through (4) are promulgated for appropriate action IAW reference (a). New for this year is the use of headquarters "pre-inspection audits" of CNLSC commands to supplement and inform in-depth site inspections. Commands will submit inspection items identified for pre-inspection audit in enclosure (2) to the subject matter experts (SMEs) identified by the Assistant Judge Advocates General (AJAGs) in enclosure (4) no later than 45 days prior to the scheduled site inspection.

3. Commands will submit written assessments of the JAG/CNLSC Special Interest Items & Management Internal Controls, enclosure (3), no later than 10 days prior to the scheduled site inspection.

4. Point of contact: Captain Steve Barney, CNLSC IG (001IG), (202) 685-5198 or steven.m.barney@navy.mil.


NANETTE M. DERENZI


JAMES W. HOUCK

FY-12 ART. 6 INSPECTION SCHEDULE

11-14 Oct '11: RLSO HAWAII (P-HARBOR)
(Note: last inspected in January 2011)
(Out-brief tentative for October 27th)

31 Oct-4 Nov '11: NJS (NEWPORT)
7-8 Nov DET NORFOLK
9-10 Nov DET SAN DIEGO
(Note: last inspected in October 2010)
(Out-brief tentative for November 30th)

14-18 Nov '11: RLSO MIDWEST (GREAT LAKES)
BROFF MILLINGTON
(Note: last inspected in November 2010)
(Out-brief tentative for December 1st)

12-14 Dec '11: RLSO NDW (DC)
BROFF DAHLGREN
BROFF PAX RIVER
BROFF ANNAPOLIS
(Note: last inspected in January 2011)
(Out-brief tentative for January 5th)

9-20 Jan '12:

NLSO PACIFIC (YOKOSUKA)

DET GUAM

DET HAWAII

RLSO JAPAN (YOKOSUKA)

DET PHARBOR

BROFF GUAM

BROFF MISAWA

BROFF SASEBO

BROFF OKINAWA

(Note: last inspected in May 2010)

(Out-brief tentative for February 2nd)

6-15 Feb '12:

RLSO MIDLANT (NORFOLK)

DET GROTON

BROFF NEWPORT

BROFF BRUNSWICK

NLSO MIDLANT (NORFOLK)

BROFF OCEANA NLSO

(Note: last inspected in February 2011)

(Out-brief tentative for February 23rd)

19-30 Mar '12:

RLSO EURSWA

DET ROTA

DET SIGONELLA

BROFF BAHRAIN

BROFF SOUDA BAY

NLSO EURSWA

DET ROTA

DET SIGONELLA

BROFF BAHRAIN

(Note: last inspected in March 2011)

(Out-brief tentative for March 29th)

9-14 Apr' 12: NLSO CENTRAL (PENSACOLA)
BROFF NEW ORLEANS
BROFF GULFPORT
BROFF FT. WORTH
BROFF CORPUS CHRISTI

(Note: last inspected in October 2010)
(Out-brief tentative for May 24th)

23-29 Apr '12: NLSO NORTHWEST (BREMERTON)
BROFF WHIDBEY ISLAND
BROFF EVERETT
BROFF BANGOR
RLSO NORTHWEST (BREMERTON)
BROFF EVERETT
BROFF WHIDBEY ISLAND

(Note: last inspected in Apr 2011)
(Out-brief tentative for April 19th)

7-19 May '12: NLSO SOUTHWEST (SAN DIEGO)
DET NORTH ISLAND
BROFF LEMOORE
BROFF PT. HUENEME
RLSO SOUTHWEST (SAN DIEGO)
DET VENTURA COUNTY
DET LEMOORE
BROFF CHINA LAKE
BROFF FALLON
BROFF EL CENTRO
BROFF MONTEREY

(Note: last inspected in May/June 2011)
(Out-brief tentative for June 14th)

29 May-8 Jun 12: **RLSO SOUTHEAST (JAX)**
DET MAYPORT
DET PENSACOLA
BROFF FT. WORTH
BROFF CORPUS CHRISTI
BROFF N-ORLEANS
BROFF GULFPORT
BROFF PASCAGOULA

(Note: last inspected in October 2010)
(Out-brief tentative for July 12th)

NLSO SOUTHEAST (MPT)
DET JACKSONVILLE
BROFF CHARLESTON
BROFF KINGS BAY
BROFF CUBA

(Note: last inspected in October 2010)
(Out-brief tentative for July 12th)

25-29 Jun '12: **NLSO NORTH CENTRAL (DC)**
DET GREAT LAKES
DET GROTON
BROFF EARLE
BROFF MEMPHIS

(Note: last inspected in December 2010)
(Out-brief tentative for July 19th)

FY 12 Article 6 Inspection Plan, Version 2.1

2012	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
October				RLSO HAWAII																					LEADERSHIP						
November			NJS																												
December					NAVINGEN																										
January										NLSO Pacific/RLSO Japan																					
February																															
March										IG Training (DC)																					
April																															
May																															
June																															
July																															
August																															
September																															

OCONUS
Inspections

CONUS
Inspections

Blocked Dates

Training



LEGAL SERVICE OFFICE ON-SITE INSPECTION GUIDE

(Insert Date)

(Insert Command)

This guide is to be used for both Naval Legal Service Office (NLSO) and Region Legal Service Office (RLSO) units. Section 1 shall be completed only by commands providing Legal Assistance.

The following items will be assessed by the inspector(s) during the on-site inspection. Review the items and insert your numeric Self Scored Assessment (SSA) and any comments in the table provided at the end of this enclosure. Submit your assessment to the JAG Corps Inspector General at least ten days prior to commencement of the on-site inspection.

1. LEGAL ASSISTANCE (JAGINST 5801.2):
 - a. Procedures for meeting with clients in a timely manner.
 - b. Conflict screening system and execution.
 - c. Procedures for support of deploying units.
 - d. Procedures for support of individuals deploying.
 - e. Currency and use of DL-Wills drafting software.
 - f. Processing times for wills.
 - g. Procedures for Will execution.
 - h. Notary log process and use.
 - i. Correspondence - use of proper letterhead, disclaimer, and signature block.
 - j. Procedures for lawyer referrals.

- k. Focus on special interest item(s) as designated by JAG (e.g., Predatory Lending).
- l. Responses / command follow-up on OJAG Code 16 questionnaires.

[NOTE: JAG IG or other JAG representative will, on occasion, conduct on-site follow-up of command's responses to Legal Assistance questionnaires distributed periodically by OJAG, Code 16 (Legal Assistance Division)].

2. COURTS-MARTIAL (RLSO/NLSO):

- a. JAG IG will interview General and Special Courts-Martial Convening Authorities as well as SJAs regarding courts-martial process in the AOR.
- b. JAG IG will interview judiciary and follow-up on periodic surveys of the judiciary pertaining to counsel performance in courts-martial process and activities.
- c. Command leadership involvement and attendance at courts-martial (JAG IG will interview command leadership, judiciary, and counsel to determine involvement).
- d. JAG IG will ensure courts-martial tracking system is in place for pre-trial, trial, and post-trial tracking to ensure that timelines for processing of courts-martial are being met.
- e. Responses and command follow-up on OJAG Code 20 questionnaires.

[NOTE: JAG IG or other JAG representative will, on occasion, conduct on-site follow-up of command's responses to Military Justice questionnaires distributed periodically by OJAG, Code 20 (Military Justice Division)].

3. NON-COURTS-MARTIAL COMMAND SERVICES (RLSO):

- a. JAG IG will interview General and Special Courts-Martial Convening Authorities, and Independent SJAs regarding their SJAs/legal support staff, as applicable.
- b. Working relationship/liaison with convening authorities with their own SJAs.

- c. Working relationship/liaison with convening authorities without SJAs.
- d. Working relationship/liaison with Transient Personnel Unit personnel (if local).
- e. Working relationship/liaison with brig (if local).
- f. Procedures for conflict screening.
- g. Command system and procedures for providing ethics and Standards of Conduct advice and opinions.

4. LEADERSHIP (PERSONNEL):

a. Mentoring:

- (1) Personnel being mentored. #____ / ____%
- (2) Effective mentoring program.

b. Command Retention:

- (1) Officers applying for Career Status Board. #____ / ____%
- (2) Officers taking JACP. #____ / ____%
- (3) Eligible Sailors reenlisting. #____ / ____%

c. Professional Development (Officer, Legalmen, Civilians):

- (1) Support for Overseas Contingency Operations -- Provide the number and percentage of command military personnel released for an IA tour in the past 12 months:

Officer: #____ / ____% Enlisted: #____ / ____%

- (2) Personnel attending necessary required professional training outside command.
- (3) LNs enrolled in the Roger Williams University (RWU) paralegal degree program or the RWU post-degree paralegal certification program, or equivalent program.

- (4) Eligible E-6 LNs and below who advanced.
- d. Civilian Personnel Administration:
 - (1) Job Objectives and/or Position Descriptions are accurate and are current.
 - (2) Assessments/Evaluations are completed in a timely manner.
- e. Command Climate/Morale:
 - (1) Process and execution of Sponsorship Program for new command members.
 - (2) Awards program:
 - (a) Sailor of the Quarter (SOQ), Legalman of the Quarter (LOQ), Civilian of the Quarter (COQ), and Junior Officer of the Quarter (JOQ), and annual awards programs.
 - (b) Timeliness of submission of award packages.
 - (3) Compliance with the Command Managed Equal Opportunity survey requirements (OPNAVINST 5354.1).
 - (4) Process to debrief civilian and military members transferring, changing station, or leaving military or government service, to assess the command climate.
 - (5) Command social and recreational activities.
 - (6) Contact and support of command personnel serving in (IA) and other deployed billets.
 - (7) Contact and support of families of IA and other deployed personnel.
- f. Reserve/Active Components -- Total Force: Conformance with Total Force plan.
- g. Physical Fitness Assessment (PFA):

- (1) Assessment of Command Physical Fitness Training Program for compliance with Navy requirements.
- (2) For the past 12 months, provide the number and percentage of command personnel (excluding LIMDU) who failed the PFA or received a probationary score and are participating in a remedial fitness enhancement program (FEP). #____ / ____%

5. LEADERSHIP (ENTERPRISE):

a. Support of JAG Corps Strategic Initiatives:

- (1) Command efforts in support of JAG Corps strategic initiatives.
- (2) Communication of JAG Corps strategic initiatives.
- (3) Use of Lean Six Sigma initiatives for process and product improvements.

b. Recruiting program:

- (1) Annual recruiting plan submitted in a timely manner.
- (2) After-action reports submitted for each recruiting visit.
- (3) Innovative recruiting practices, unique level of effort.

c. Outreach: External communication of command activities and services to clients/commands in AOR.

d. Facilities:

- (1) Client Traffic Flow: functionality and accommodation of clients.
- (2) Professional appearance: physical condition, cleanliness and state of repair of building and all spaces.
- (3) Privacy/confidentiality of spaces that require privacy and confidentiality.

- (4) Examine courthouse security compliance.
- 6. VICTIM-WITNESS ASSISTANCE PROGRAM (VWAP) (OPNAVINST 5800.7):
Examine VWAP files and procedures for compliance.
- 7. COURTROOM SECURITY (CNLSCINST 5530.2C): Command has a POA&M and is on track for compliance.
- 8. BUDGET:
 - a. Government Commercial Purchase Card (GCPC): Holders of Purchase Cards have completed documented training and understand their responsibilities regarding GCPC.
 - b. Contracting Officers have documented training and certification, including appointment documentation.
 - c. Internet Based Enterprise Tools System (IBETS):
 - (1) Budget personnel are trained and make use of IBETS.
 - (2) Mid-year and end-of-year IBETS submissions are properly documented and submitted in a timely manner.
- 9. TRAINING:
 - a. Command has comprehensive training plan and documentation of training for all personnel.
 - b. Training plan includes Ethical Decision Making.
 - c. Regional Training Authority (RTA) budget plan is well-managed and executed.
- 10. PROFESSIONAL RESPONSIBILITY (JAGINST 5803.1 & 5803.2):
 - a. Supervisory attorneys' process to ensure that all covered attorneys conform to the Professional Conduct Rules.
 - b. Supervisory attorneys' process to ensure that subordinate covered attorneys are properly trained and competent to perform their assigned duties.

11. CASUALTY ASSISTANCE CALLS OFFICER (CACO) READINESS (BUPERSINST 1770.3): CACO readiness is maintained in compliance with CACO Manual and JAG Corps guidance.
12. ETHICS AND STANDARDS OF CONDUCT (DODD 5500.7): Compliance with annual training requirement.
13. SEXUAL HARASSMENT PREVENTION (SECNAVINST 5300.26): Command personnel have received annual Sexual Harassment Prevention training and are knowledgeable regarding applicable rules and policies.
14. SAFETY (OPNAVINST 5100.23):
 - a. Annual safety examination of facility conducted.
 - b. Motorcycle safety requirements compliance.
 - c. Safety issues, if any, are remedied in a timely manner.
15. URINALYSIS PROGRAM (OPNAVINST 5350.4): Command is in compliance with program requirements and all personnel within the scope of the program participate.
16. FAMILY CARE PLAN PROGRAM (OPNAVINST 1740.4): Individuals within scope of program are in compliance.
17. SECURITY OF CLASSIFIED MATERIAL (SECNAV M-5510.30, SECNAV M-5510.36, SECNAVINST 5510.36): Compliance in handling and control of classified material.
18. INFORMATION ASSURANCE (OPNAVINST 5239.1):
 - a. Compliance with Information Assurance training certification and documentation.
 - b. Compliance with ALCOM 066-08 (CTO 08-05 Serial A and CTO 08-05) including individual completion of OPNAV Form 5239/14.
19. DRUG AND ALCOHOL PROGRAM ADVISOR (DAPA) (OPNAVINST 5350.4D): Compliance with DAPA, training and deglamorization requirements.

20. SEXUAL ASSAULT AND PREVENTION RESPONSE (SAPR)
21. SPECIAL INTEREST ITEMS: As designated by the JAG.
22. ACTION ITEMS: Record any action items resulting from the Inspection and include a Plan of Action and Milestones (POA&M) for completion of such items using the format in the POA&M template, provided as enclosure (4) to the basic directive.

Legal Office Assessment Scores

(Rate #'s 1-9 and 19 from 0 to 10 -- Rate #'s 10-18 as either 0 or 10)

Not Applicable	Failure	Needs Improvement	Acceptable	Good/Excellent	Best Practice Across JAGC
--	0	1-4	5	6-9	10

Q#	Subject Heading	SSA Score	IG Score	Comments (if any)
1	Legal Assistance			
2	Courts-Martial			
3	Non-Courts-Martial - Command Services			
4	Leadership - People			
	a. Mentoring			
	b. Command Retention			
	c. Professional Development			
	d. Civilian Personnel Administration			
	e. Command Climate/Morale			
	f. Reserves (Total Force)			
	g. Physical Fitness Assessment			
5	Leadership - Enterprise			
	a. JAGC Strategic Initiatives			
	b. Recruiting			
	c. Outreach			
	d. Facilities			
6	Victim-Witness Assistance Program			
7	Courtroom Security			
8	Budget			
9	Training			

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Q#	Subject Heading	SSA Score	IG Score	Comments (if any)
10	Professional Responsibility			(Acceptable = 10 / Failure = 0)
11	Casualty Assistance Calls Officer (CACO) Readiness			(Acceptable = 10 / Failure = 0)
12	Ethics and Standards of Conduct			(Acceptable = 10 / Failure = 0)
13	Sexual Harassment Prevention			(Acceptable = 10 / Failure = 0)
14	Safety			(Acceptable = 10 / Failure = 0)
15	Urinalysis Program			(Acceptable = 10 / Failure = 0)
16	Family Care Plan Program			(Acceptable = 10 / Failure = 0)
17	Security of Classified Material			(Acceptable = 10 / Failure = 0)
18	Information Assurance			(Acceptable = 10 / Failure = 0)
19	Drug and Alcohol Program Advisor			(Acceptable = 10 / Failure = 0)
20	Sexual Assault Prevention and Response			(Acceptable = 10 / Failure = 0)
21	Special Interest Items (as designated by JAG)			(Acceptable = 10 / Failure = 0)



MILITARY JUSTICE

PRE-ARTICLE 6

INSPECTION QUESTIONNAIRE

(Insert Date)

(Insert Command)

Article 6 Military Justice Checklist

For each of the areas identified below, self-assess (SA) a score ranging from 0 (no action/compliance) to 10 (NLSC Best Practice). Generally, scores ranging from 1-3 reflect severe deficiencies where immediate corrective action is warranted. Scores ranging from 4-6 reflect practices that meet minimum guidelines but require attention. Scores ranging from 7-9 reflect quality practices. The questions/inspection areas are divided into five categories to assist the command in identifying general areas of strengths or weaknesses. Add the final score for each section for a cumulative score divided by the applicable number of questions answered in that section. Use the formulas specific to NLSO or RLSO at the end to calculate a weighted overall score.

Inspection Process: The command should be prepared to explain to the inspector how it arrived at each self-assessed score. The inspector will then evaluate each of the question areas. Command personnel should expect to provide objective evidence and/or documentation to support self-assessed scores, to include spot checks of office and computer resources, CMTIS accuracy, case file review, training records, office spaces inspections and external verification (judiciary, SJAs, opposing RLSO or NLSO personnel, etc). The inspection is a process overview and will not inspect attorney-client privileged materials. The inspection report will reflect where the inspector agrees with the command self-assessment without further comment, unless comment is warranted to highlight impressive results or low scored deficiencies. For every question where the inspector disagrees with the self-assessment, the inspector will provide amplifying comment.

I. Personnel

1. Judge Advocates:

(a) Litigation Experience Distribution. Is there a balanced distribution of personnel who are senior/junior in rank and experienced/inexperienced in trial work who are performing litigation, litigation management, and litigation oversight on a regular and recurring basis?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Case Load Distribution. Is there balanced and structured detailing of cases among assigned personnel, to include multiple counsel/levels of experience when warranted?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(c) MJLQ Officer Assignment. Are assigned MJLQ officers assigned and utilized in accordance with JAGINST 1150.2A? This includes assignment to a litigation billet, responsibilities that include office administration, mentorship of junior counsel, leadership, and assignment as counsel of record in both a lead and assistant counsel capacity.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(d) Manning. Is the officer distribution adequate to meet military justice mission requirements? This includes overall assignments and outlying offices.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

2. Legalmen/Paralegals

(a) Legalman Distribution. Are there dedicated full time Legalmen/paralegals assigned to the trial/defense department? Are assigned personnel experienced in trial work? For outlying offices, is the Legalman distribution efficient in supporting the trial or defense mission? Is Legalman distribution adequate to meet military justice mission requirements?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Legalman Utilization. Are Legalmen/paralegals in support of litigation function tasked with research, drafting, witness interviews, etc., in addition to traditional case management or office management support?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

3. Court Reporters (RLSO only)

(a) Court reporter Assignment/Qualification. Are court reporters adequately trained to perform their duties? Are court reporters being utilized efficiently?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

4. Reserve Support

(a) Reserve Drill Support. Rate the reserve unit's performance of two-week AT and weekend or IDTT drill support for the gaining command? Does the office exercise future manning practices that utilize reserve support (both unit and/or reserve component) to fill anticipated manning shortfalls (such as leave, TAD, IA backfills, deployments etc) and unanticipated manning shortfalls?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Reserve Litigation Support. Rate the office's employment practices utilizing reserve support to enhance the litigation practice of the office? This includes utilization of reserve officer talents or expertise to train local counsel, pairing reserve and active-duty assets and skill sets, assignment to cases when possible, murder boarding cases, etc?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

SA Personnel Score: _____ ÷ _____ = _____

Art 6 Personnel Score: _____ ÷ _____ = _____

II. Professional Development and Training

1. Training Plans. Does the command have a published comprehensive training plan that covers topics in the field of general military justice practice? Does the litigation department maintain a comprehensive and continuous training plan that covers military justice practice, litigation and advocacy topics? Rate the quality of the training plans.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

2. PQS/Litigation Department Indoctrination. Does the command have a PQS, or other like system in place for new personnel to ensure basic levels of attorney proficiency as well as familiarity with Navy policies, protocols and custom as well as command practices, policies and procedures? Rate the quality of the indoctrination system.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

3. MILJUS Development Oversight. Does the command have policies or procedures in place to monitor and maintain military justice proficiency? This may include periodic structured evaluations, individual case evaluations, PBfT long range training objectives, off-site training, stand-downs, etc? Rate the methods of monitoring military justice proficiency.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

4. Department Head Experience. Evaluate the assigned STC/SDC experience to fulfill his or her duties? This includes experience in the areas of leadership, office management and administration, mentorship. Also evaluate the effectiveness of the STC/SDC provision of mid-level management, case oversight and mentoring of both junior counsel and Legalmen (to include informal and formal; e.g., murder boards)?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

5. Department Head Litigation Oversight. Is the STC/SDC effectively providing docket oversight within the office? This should include first-hand awareness of all cases on board at the office. This should also include methods of evaluating cases, assigning cases, and monitoring case progression, scheduling murder boards, mock trials etc.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

6. Command Leadership Departmental Oversight. Are the Commanding Officer and Executive Officer or Officer in Charge exercising executive level docket/case management oversight? Evaluation of the oversight would include matters such as weekly briefs, high-vis reports, oversight of STC/SDC, engagement with other AOR officials as necessary and the establishment of trip wires for high-vis or other cases where executive level interaction is required?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

7. Command Leadership Litigation Oversight. Are the Commanding Officer and Executive Officer or Officer in Charge exercising professional development oversight in military justice practice and litigation? Evaluation of the oversight role will include factors such as observing trials, reviewing motions, participating in murder boards, engagement with the judiciary, etc.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

8. Counsel Independent Training. Are counsel seeking training opportunities by observing administrative boards (including BOI, PEB etc), Article 32 hearings, trial proceedings at this location or other nearby bases or in the civilian courts?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

9. Case Trend Analysis. Does the office maintain historical data on cases, such as lessons learned, sentence/PTA terms for trend analysis, etc.?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

SA Professional Development and Training Score: _____ ÷ _____ = _____

Art 6 Professional Development and Training Score: _____ ÷ _____ = _____

III. Organization

1. Case file management

(a) Standardized Office Practice. Does the office maintain a standardized system of assembling case files for all cases? Evaluate the effectiveness of the command's case file organization for both new counsel and overall management. Does the organization enhance the command's ability to monitor performance?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Case file review. Do counsel maintain organized case files, are files regularly reviewed by superiors, and are counsel documenting activity in accordance with professional norms? The Article 6 inspectors will spot check TC files but not DC files.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

2. Docket

(a) Docket Review. Does the command maintain or track a common docket and are all attorneys and LNs able to access the docket? Is the docket a useful tool? Does the docket contain information that may be considered an aid to practice or aid to management and oversight?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

3. CMTIS

(a) CMTIS Review. Do the command CMTIS records contain accurate and complete case information (e.g. charge and specification data, personnel assignment data etc.)?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

4. Personnel Management

(a) Counsel Workload and Performance Analysis. Does the office have an internal tracking system in place to monitor attorney workload/performance measures/case results? This would include a mechanism to ensure there is a balanced distribution of work load (to include cases assigned, complexity of cases assigned, collateral duties, travel etc.). In addition, does the command have a policy or system in place to monitor attorney growth and performance as a litigator (eg. is their representation and litigation becoming more sophisticated and advanced)? Are case results reflective of an objective case analysis vice win/loss? Are any of the above noted areas provided in writing to assist counsel?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

5. Office Standard Operating Procedures

(a) Departmental SOP. Does the trial or defense department have internal operating procedures, and if so are they publicized and adhered to? Are they sufficient to address routine office administration, performance, expectations, etc.?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

6. Compliance with NLSC Manual

(a) NLSC Manual Compliance. Do the command's practices comply with the applicable chapters of the NLSC Manual?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

7. Correspondence Management

(a) Departmental Correspondence Management. Does trial or defense department correspondence follow the current Navy Correspondence Manual? Is there a quality control process in place to edit and review counsel letters, pleadings, etc? Does the trial or defense department maintain read files or employ other safeguards on internal and external routing for leadership to ensure client confidentiality, proper Correspondence Manual protocols, and protection of privileged information?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

8. Detailing Decisions

(a) Detailing Protocols. Does the command have acceptable procedures in place to ensure that clients are assigned counsel in a timely manner as soon as the clients are either placed in pretrial confinement or formally charged or cases are received by NCIS or a command? Documentation should reflect timely detailing of counsel and correspondence with appropriate authorities. Detailing authority should be in writing.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Internal Detailing Process. Has the command identified certain criteria to determine which counsel and how many counsels will be assigned to different kinds of cases? Is there a case screening plan in place? Are there internal in-take procedures?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

Art 6 Organization Score: _____ ÷ _____ = _____

Art 6 Organization Score: _____ ÷ _____ = _____

IV. PASS/ FAIL SECTION

1. Does the command ensure and monitor whether personnel utilize all available resources such as mentors, NKO, NJS, Codes 20/45/46, TCAP/DCAP, etc.?
2. Are counsel familiar with and able to access legal resources such as Lexis, Navy and DoD publications, etc.? This includes secondary resources such as UCMJ historical documents, Navy Regulations, etc.

3. Are counsel familiar with Navy organization, the respective authority of DoD, OPNAV and SECNAV issuances?
4. Does the office maintain adequate and current publications on topical areas of litigation, trial advocacy, forensics, etc, and are counsel familiar with them and make frequent use of them?
5. Do all counsel have and use CMTIS accounts, and have they been trained in its proper use? Personnel should expect to demonstrate proficiency.
6. Does the command have a local SORM that is properly published and disseminated? Are counsel familiar with the SORM and its contents?
7. Does the command maintain a collection of templates for frequently used documents that are up to date and pertinent and useful (e.g., requests for legal services, charge sheets, PTAs, motions, stipulations of fact, stipulations of expected testimony, witness requests, members' questionnaires, cleansed charge sheets, voir dire questions, etc.)? Is the system regularly updated and purged?
8. Are all personnel current on VWAP training? Is training documented?
9. Does the office have a mechanism for staying updated with current case law?

Scoring: Pass 9 = 10; 7-8 = 8; 5-6 = 6; 3-4 = 4; 1-2 = 2; 0=0

SA Pass/Fail Score: _____

Art 6 Pass/Fail Score: _____

V. RLSO-Specific

1. Communication with Government Agents

(a) Communication with Law Enforcement. Do trial counsel and SJAs regularly communicate with NCIS and other law enforcement agencies about pending and active investigations and trials? Is consultation occurring on cases where crimes occur off base where another agency is contemplating prosecution?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Communication with Convening Authorities. Do trial counsel and SJAs regularly communicate with convening authorities in their areas of responsibility?

Do trial counsel ensuring that convening authorities are personally involved in decisions on charging, referral, and PTAs?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

2. Management of Charging Process

(a) Internal Controls. Does the office have a standard procedure for investigating and drafting charges before charges are sworn to? Are reasonable time limits established and adhered to in order to move cases expeditiously? Is there oversight of pre-charging case management?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

3. Ancillary Trial Personnel

(a) Bailiffs/Brig Chasers. Does the office have a satisfactory process for obtaining and training bailiffs and brig chasers?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

4. Post-trial Processing

(a) Post Trial. Does the office have procedures that ensure the record of trial will be processed and authenticated in a timely manner (i.e., within the guidelines established by *Moreno*)?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

5. VWAP

(a) Overall VWAP Compliance. Does the office have a systematic method for trial counsel to identify the victims and witnesses in cases? Is this documented in the case file? Does the office have a standardized method of notifying victims and witnesses of their rights (e.g., verbally, using required forms, by letter, etc.)? And is the notification documented in the case file? Is the victim election of rights documented in the case file.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Plea Negotiations. Do Trial Counsel obtain victim's views concerning rights elections such as disposition of offenses and plea negotiations? And if so, are those views documented in the case file, forwarded to disposition authorities, is the forwarding documented?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(c) Record Keeping. Does the office have a systematic method of recording data of the number of victims and the number of witnesses who received DD 2702, 2703, 2704?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(d) Victim/Witness Notifications. Does the RLSO have standard written and/or electronic information regarding the availability of and assistance in obtaining services such as transportation, parking, child care, lodging, and court-room translators or interpreters? Does the RLSO have standard written or electronic information regarding compensation programs available from the State and other sources of financial relief and was the victim apprised of Transitional Compensation for Abused Dependents, if applicable? If so, how and when is such information provided to victims and witnesses?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

SA RLSO-Specific Score: _____ ÷ _____ = _____

Art 6 RLSO-Specific Score: _____ ÷ _____ = _____

VI. NLSO-Specific

1. Communication with Government Agents

(a) Communication with Law Enforcement. Does defense counsel regularly communicate with NCIS and other law enforcement agencies about pending and active investigations and trials? This includes notification of representation, interviews in advance of Article 32 Investigations, requests for investigative assistance, etc.

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Communication with Convening Authorities. Does defense counsel regularly communicate with convening authorities for their cases? Is communication in writing, personal meetings, etc.?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

2. Attorney Client Relationships

(a) Internal Controls. Does the office train defense counsel on the limits of forming an attorney client relationship in PERSREP cases, with transient clients and is their oversight of this on a regular basis?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Conflicts. Does the office employ proper controls to screen and assign conflict cases? Are mentorship/leadership mechanisms established to provide counsel oversight?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(c) Confidentiality. Does the office regularly train new counsel on confidentiality? Do support personnel fully understand confidentiality rules? Does the office employ a Statement of Understanding or any other documentation on staff responsibility to maintain confidentiality?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

3. Brig Reports

(a) Brig Liaison. Does the office receive regular Brig Reports? Is an individual identified to be the primary POC to liaison with the Brig and obtain reports? Are all counsel aware of the local brig location and the internal rules for meeting with clients?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

4. Trial Matters

(a) Collateral Consequences. Does the office conduct regular training on collateral consequences of plea agreements? Does the office maintain standard rights advisement forms regarding collateral consequences of convictions?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

(b) Release of Counsel. Are counsels aware of whom and under what circumstances they may be properly relieved from a case? Does the office maintain a standard letter excusing or relieving a counsel from a case?

SA 0 1 2 3 4 5 6 7 8 9 10

Art 6 0 1 2 3 4 5 6 7 8 9 10

SA NLSO-Specific Score: _____ ÷ _____ = _____

Art 6 NLSO-Specific Score: _____ ÷ _____ = _____

NLSO Final Score Calculation

Personnel Score: _____ × .24 = _____

Professional Development and Training Score: _____ × .24 = _____

Organization Score: _____ × .27 = _____

Pass/Fail Score: _____ × .03 = _____

NLSO-Specific Score: _____ × .22 = _____

Final Score: _____

RLSO Final Score Calculation

Personnel Score: _____ × .24 = _____

Professional Development and Training Score: _____ × .24 = _____

Organization Score: _____ × .26 = _____

Pass/Fail Score: _____ × .02 = _____

RLSO-Specific Score: _____ × .24 = _____

Final Score: _____

V. Inspection Comments:



LEGAL ASSISTANCE

PRE-ARTICLE 6

INSPECTION QUESTIONNAIRE

(Insert Date)

(Insert Command)

JAGINST 5040.1 outlines core Legal Assistance areas subject to on-site inspection by the Inspector General. This questionnaire is essential in indentifying specific Legal Assistance practice areas that require further assessment during the on-site phase of the inspection.

1. Training
 - a. Describe the command Legal Assistance PQS program.
 - b. What training is offered to new Legal Assistance attorneys and paralegals? Is there a training plan for those personnel?
 - c. How does the command ensure that Legal Assistance attorneys remain competent in their practice?
2. Procedures for meeting with clients in a timely manner.
 - a. Discuss the procedure client's use to schedule Legal Assistance services. Make sure you address walk-in or appointment hours as well as scheduling procedures.
 - b. Please explain the reasoning behind the scheduling procedure described in question (a).
 - c. What is the average wait time for clients seeking to make an appointment with a Legal Assistance attorney?
 - d. What practices are in place to prioritize clients, e.g. retiree vs. active duty, deployers vs. non deployers? How does the command handle emergency cases?
 - e. Describe the check-in process for LA clients arriving to see an attorney.
 - f. Has the command suspended Legal Assistance services? Has the command stopped taking appointments due to a backlog of appointments? What is the SOP for reducing appointment backlogs?
 - g. What types of remote services, i.e. telephonic, are provided? Describe the procedures for providing those services.

3. Available services
 - a. List the services offered to Legal Assistance clients.
 - b. How are available services determined? Is service limited to core services only or augmented by specialized expertise possessed by certain Legal Assistance attorneys?
 - c. Describe the command's ELAP program and process for determining eligibility.
4. Provision of services
 - a. Describe the role of paralegals and legal clerks in the provision of Legal Assistance.
 - b. Describe the procedures for supervising clerks and paralegals?
5. Conflict screening system and execution
 - a. Describe how Legal Assistance clients are screened for conflicts..
 - b. Describe the procedures when a conflict arises. What steps are taken when no outside referral is available?
 - c. Describe the procedures when the main conflict-checking system (such as the JAG Enterprise System) is not working.
6. Procedures for support of deploying individuals and units.
 - a. Describe the pre-deployment legal assistance efforts, including outreach, and the types of services offered to both units and individuals.
 - b. How are legal assistance resources allocated to meet the needs of deploying units and individuals? How does this impact other Legal Assistance clients, i.e. how are clients and services prioritized?
 - c. Describe post-deployment or demobilization services?
7. Currency and use of DL-Wills drafting software.
 - a. Are wills prepared using software other than DL-Wills?
 - b. What is the procedure for ensuring software is current?
 - c. Describe training conducted on the DL-Wills program.
8. Processing times for the preparation and execution for wills.

- a. Describe the procedures for preparing wills including the intake process and execution.
 - b. What is the average processing time for the preparation of wills, including execution?
9. Notary log process and use.
 - a. Describe available notary services and the process for providing those services, including who performs the service and how services are performed, etc.
 - b. Describe how notary records and seals are maintained, as well as the process for inspecting notary logs.
 - c. What training, if any, do personnel receive on the notary process?
10. Correspondence
 - a. When corresponding on issues unique to Legal Assistance, is there distinct Legal Assistance letterhead with proper disclaimer language?
 - b. How are new attorneys and legalmen trained on Legal Assistance correspondence?
 - c. Describe how Legal Assistance correspondence is maintained. How is client confidentiality of correspondence maintained?
 - d. Describe the process for reviewing Legal Assistance correspondence for quality assurance.
11. Referrals
 - a. Describe the process for referring a client to free legal assistance service available outside of the military, or to more in-depth services provided by other Legal Assistance offices?.
 - b. How are referrals to private counsel handled?
 - c. Describe the training conducted on the ABA Pro-Bono program.
12. Preventative Law
 - a. Describe the preventative law efforts.
13. Legal Community Outreach
 - a. Describe the interaction/association with the private bar in your legal community.

- b. Identify any government agencies, i.e. USCIS, with which your command has partnered in the delivery of legal services. Briefly describe the command's role or extent of involvement in such partnership.

JAG/CNLSC Special Interest Items & Management Internal Controls

1. Special Interest Items

- a. Personally Identifiable Information (PII) Training, command self assessment and spot checks.
- b. Vicarious Trauma Awareness Training
- c. Implementation of Courthouse Security IAW CNLSCINST 5530.2C

2. Management Internal Controls

a. Evaluate effectiveness of advisory support available to the defense function within the Naval Legal Service Command through the establishment of the Defense Counsel Assistance Office (DCAO). (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-25)

b. Evaluate impact of changes dividing the Naval Legal Service Command into separate prosecution and defense groups (e.g., DCOMs for RLSO and NLSO, respectively) with particular focus on quality and effectiveness of staff assistant/subject matter expert engagement with CNLSC field activities through more focused communication and reach-back assistance to counsel and commands. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-10)

c. Evaluate effectiveness of CNLSC plan to create functional separation allowing leadership and litigation teams at headquarters to be free to provide legal advice and support for both the defense and government. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-10)

d. Validate effectiveness of processes of contracting performed at OJAG/CNLSC to ensure field activities receive intended deliverables under HQ-managed contracts for the fulfillment of contractual requirements, including performance and delivery, quality control and testing to meet specifications and requirements, performance acceptance, billing and payment controls, justification for contract amendments, and procedures and actions to protect the best interests of the government. Identify audits and verification practices used at field activities to support the validation process. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-5)

Enclosure (3)

e. Report changes made to security at each location within NLSC to reduce security risk at courthouses and courtrooms IAW CNLSCINST 5530.2C. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-7)

f. Verify certifications of new users and re-certification of existing users of Government Purchase Cards and adherence to internal controls. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, B-2-12)

g. Verify certifications of new users and re-certification of existing users of Government Travel Cards and adherence to internal controls. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, B-2-14)

h. Evaluate progress at field activities to develop and implement a plan for identification and certification of the NLSC Echelon III Information Assurance Work Force (IAWF). (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-17)

i. Verify process for Property Plant and Equipment (PPE) Management, to include performing physical inventories, as required by Navy directives. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-20))

j. Verify use of formalized Safety and Occupational Health (SOH) programs at field activities, to include use of self-assessments and uses of Enterprise Safety Applications Management System (ESAMS), including motorcycle safety compliance. (Ref: CNLSC Managers' Internal Control Certification Statement, of 26 May 2011, Tab B-2-22)