

LEGADMINMAN

CHAPTER 22

ORGANIZATION OF LEGAL SERVICES IN THE DEPARTMENT OF THE NAVY

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22000. SCOPE. This chapter identifies the organizations responsible for providing legal support within the Department of the Navy (DON) and summarizes their areas of responsibility.

22001. GENERAL COUNSEL OF THE NAVY. The General Counsel (GC) is a Civilian Executive Assistant appointed by and directly responsible to the Secretary of the Navy (SecNav) and is in the statutory line of succession for SecNav. The GC is the principal legal advisor to SecNav and is the Designated Agency Ethics Official (DAEO) for the DON. The GC provides legal advice, counsel, and guidance to SecNav and DON civilian executive assistants and their staffs, and provides services in the areas of business law, acquisitions, environmental law, civilian personnel law, real, personal, and intellectual property law, and litigation involving these issues. In appropriate cases, the GC shares responsibility with the Judge Advocate General of the Navy for liaison with the Attorney General and Department of Justice. There is a considerable overlap of responsibilities at both the headquarters level and in the field. Specific duties of the GC are set forth below as established by SECNAVINST 5430.25D and U.S. Navy Regulations, 1990, article 0327.

1. Business and Commercial Law. The GC provides legal services throughout the DON for business and commercial law including the following:

a. The acquisition, custody, management, transportation, taxation, and disposition of real and personal property;

b. The procurement of services, including the fiscal, budgetary and accounting aspects thereof (except tort and admiralty claims arising independently of contract);

c. Operations of the Military Sealift Command, the Office of the Comptroller of the Navy, and the Naval Data Automation Command;

d. All matters in the field of patents, inventions, trademarks, copyrights, royalty payments and related matters; and

e. Procurement aspects of foreign military sales issues related to research and development, NATO standardization agreements, and Arms Export Control Act issues.

2. Civilian Personnel Law. The GC provides legal services in the field of civilian personnel law, including labor-management relations and equal employment opportunity matters at Headquarters, DON, and in coordination with the Navy JAG, throughout the remainder of the Navy.

3. Contract Claims and Litigation. The GC provides guidance to DON procuring activities in the proper method of evaluating, processing and documenting contract claims asserted by or against the DON.

4. Litigation. The GC is responsible for:

a. All DON litigation before the Armed Services Board of Contract Appeals.

b. With the concurrence of the Attorney General, the conduct of all other Navy litigation arising out of business, patent, or civil personnel matters.

22002. Judge Advocate General of the Navy. The JAG provides services in the areas of military justice, operational and international law, administrative law, military personnel law, special programs, claims, legal assistance, admiralty, health care and litigation involving such issues. The JAG oversees the professional ethics of all Navy and Marine Corps judge advocates including civilian attorneys who practice under JAG supervision. The JAG may decertify a judge advocate if s/he determines that the judge advocate is not competent to act as an attorney on behalf of the Navy. The Deputy Judge Advocate General (DJAG) assists the JAG in his/her duties and commands the Naval Legal Service Command which provides military justice, claims and legal assistance services to the Fleet. The DJAG is also designated as a Deputy DAEO for the Navy. Specific duties of the JAG are set forth below as established by SECNAVINST 5430.27A and U.S. Navy Regulations, 1990, article 0331.

1. Litigation. The JAG keeps the GC informed of the status of all litigation under the JAG's cognizance, including all proposed Navy appeal recommendations to the Department of Justice. In cases designated "of major and continuing concern to the Secretary," the GC and JAG share the responsibility for liaison with the Attorney General and Department of Justice.

2. Supervision of Legal Services. In consultation with the JAG, DJAG sets the policy governing the structure, maintenance and performance of duties of the Navy Legal Service Command.

22003. Office of the Counsel for the Commandant of the Marine Corps The Counsel for the Commandant (CL) advises, provides legal services, and renders legal decisions to CMC, HQMC staff agencies, and field commands regarding business and commercial law, including all matters within the cognizance of the GC for DON, of which the office is a part. The CL's duties as a Deputy DAEO for the Marine Corps are set forth in chapter 11. Other duties of CL are set forth below.

1. Acquisition. CL plans and develops comprehensive legal programs to support the Marine Corps relating to the acquisition of services, supplies, facilities, and other property for the Marine Corps.

2. Business and Commercial Law. CL provides legal advice and services to the CMC, HQMC staff agencies, and field activities in business and commercial law, standards of conduct and conflicts of interest. CL represents the Marine Corps in relations with other departments and activities of the Government, professional associations, industry associations, contractors and other business concerns relating to:

a. The acquisition, custody, management, transportation, taxation, and disposition of real and personal property, and the procurement of services including the fiscal, budgetary, and accounting aspects thereof (except tort claims that arise independently of contract);

b. Procurement matters in the field of patents, inventions, trademarks, copyrights, royalty payments and similar matters;

c. All aspects of environmental law, civilian personnel law, and industrial security; and

d. Serves as a legal consultant and advisor to CMC and other Marine Corps officials on policy proposals and program operations relating to the commercial interests of the Marine Corps.

22004. Staff Judge Advocate to the Commandant of the Marine Corps  
The SJA to CMC acts as legal advisor to CMC on military justice matters, administrative law, operational law and legal assistance matters. The SJA to CMC is also the Director of the Judge Advocate Division (JA). The SJA to CMC provides supervision and management of the Military Law, Operational Law, Research and Civil Law, Legal Assistance, Judge Advocate Support, and Information, Plans and Programs branches of JA, and of the Chief Defense Counsel of the Marine Corps. The duties of the SJA to CMC as a Deputy DAEO for the Marine Corps are set forth in chapter 11. Pursuant to JAGINST 5803.1, the SJA to CMC also acts as "Rules Counsel" in legal professional ethics and complaints against Marine judge advocates. Also per agreement with JAG and CMC, the SJA to CMC conducts UCMJ, Article 6 visits to Marine Corps commands on behalf of the JAG.

1. Military Law Branch (JAM). JAM provides legal advice and assistance to HQMC staff agencies and the field on military law and related matters, to include military justice, administrative law matters related to military justice, promotions and reductions, appeals of competency review boards and complaints of wrongs or redress of wrongs submitted pursuant to Article 138, UCMJ, or Article 1106, U.S. Navy Regulations, 1990. JAM provides a working and voting group member to the Joint Service Committee, which conducts the annual review of the Manual for Courts-Martial and reviews legislative and regulatory proposals affecting military justice. JAM also reviews and provides comment on appeals of nonjudicial punishment and matters

forwarded by the Board for Correction of Naval Records and Naval Discharge Review Board.

2. Operational Law Branch (JAO). JAO provides legal advice and assistance on operational law and related matters, to include international law/relations and the legal aspects of military plans, operations and training; law of war; rules of engagement; combined, joint, multiservice and service doctrine; security assistance technology transfer; personnel exchange program; host nation support of U.S. forces; foreign tax issues; environmental matters related to operations and operating forces; support to other governments; international agreements; noncombatant evacuation operations; base rights overseas; pre-deployment training and preparation; and mobilization.

3. Research and Civil Law Branch (JAR). JAR provides legal advice and assistance to HQMC staff agencies and to the field on administrative law matters, to include personnel law, environmental law, Reserve establishment, physical disability, standards of conduct and Government ethics, Privacy Act, Freedom of Information Act, retired and veterans' affairs, decedent and casualty affairs, legislation, claims, off-duty employment, gifts, trademark, dependency determinations, and related matters.

4. Legal Assistance Policy Branch (JAL). The mission of JAL is to (1) to assist and advise the SJA to CMC on all legal assistance policies, procedures and related matters, implement and supervise the Marine Corps Legal Assistance and Tax Programs, provide guidance to legal assistance attorneys and staff in the field, formulate and disseminate legal assistance and tax policies and procedures, inspect the effectiveness of legal assistance programs, coordinate and oversee the Regional Legal Assistance Councils, prepare legal assistance legislative initiatives, and act as the Marine Corps and JA representative on the Armed Forces Tax Council, the Marine Corps Quality of Life Working Group, the American Bar Association Standing Committee on Legal Assistance for Military Personnel and other legal assistance related agencies; and (2) supervise the operation of the Henderson Hall Legal Assistance Office and the Individual Mobilization Augmentee (IMA) Reserve Detachment assigned to JAL.

5. Information, Plans and Programs Branch (JAI). JAI provides legal office management to the Marine Corps legal community in the field by incorporating business practices through proper structuring and employment of personnel, improved implementation of information technology, improved management of information systems, development and implementation of programs to increase the quality and efficiency of legal services. JAI also maintains and operates the legal reference library.

6. Law Office Manager (JA-2)/Legal Management Branch (JAA). JA-2 provides advice and assistance to HQMC staff agencies and the field on

enlisted administrative separations; reviews non-criminal investigations received from the field; and advises the field on publications and the Performance Evaluation System. JAA provides daily office management for JA through correspondence tracking; budget preparation and execution; internal information systems coordination and support; appointment scheduling; and processing of personnel matters for those working within the division.

7. Judge Advocate Support Branch (JAS). JAS coordinates personnel support of active duty and Reserve judge advocates by providing advice and assistance on matters such as judge advocate certification, recruitment, training, assignments, and personnel administration; legal review of Marine Corps policies, directives, procedures, and practices concerning judge advocate support matters; coordination and supervision of programs for Reserve judge advocates not on active duty; and advice on adequacy of judge advocate billets within tables of organization.

8. Chief Defense Counsel of the Marine Corps. Exercises general supervision over the professional development of Marine Corps judge advocates and support personnel engaged in performing defense functions. Maintains liaison with Headquarters staff agencies and with field commands on matters pertaining to personnel administration of defense counsel to include their assignment, training, and career planning.