



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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IN REPLY REFER TO:

5803
Ser 13/2PR11621.04
28 Apr 04

From: Judge Advocate General

Subj: 2004 "GOOD STANDING" CERTIFICATION

Ref: (a) JAG memo 5803 Ser 13/2PR12509.03 of 20 Oct 03

1. Both statute and regulation require the Judge Advocate General to supervise the performance of legal services provided under the Judge Advocate General's cognizance. Accordingly, in reference (a), I required all Navy and Marine Corps judge advocates, as well as Department of the Navy civil service and contract attorneys, to provide proof of "good standing" with their licensing authorities pursuant to Professional Responsibility Rule 8.6. This effort is nearly complete and was an overwhelming success. Below you will find additional information regarding the 2004 project, including lessons learned and our plan for future certifications.

2. Lessons Learned

a. Contact information. This project highlighted the importance of a reliable means of communication. Reference (a) was forwarded through mass distribution E-Mails and posting on the web. Unfortunately, this method proved imperfect and some attorneys remained unaware of the requirement until individually contacted. Additionally, extensive time and effort was spent obtaining correct contact information for individual attorneys. In the future, I plan to rely on the detailers, as well as community-wide web-based services, to locate and contact attorneys.

b. Starting early. My intent in announcing this program in October 2003 with a January 2004 deadline was to ensure attorneys had adequate time to obtain the required documentation. While most attorneys promptly responded or requested a letter from their state, others waited until near the deadline to begin this process. These delays inevitably caused difficulty in meeting the established deadline. For future certifications, I urge you to start the process early to ensure timely compliance.

c. Satisfactory documentation. Professional Responsibility Rule 8.6 requires proof of "good standing" with the state licensing authority. After carefully weighing the types of

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documentation likely to meet this standard, I agreed to accept any 2003 or 2004 documentation indicating "good standing," noting a current bar card would suffice. While bar cards are not necessarily dispositive of "good standing," I am generally satisfied a recently issued card indicates compliance with Professional Responsibility Rule 8.6. One difficulty encountered as a result of accepting bar cards was the perception that other documentation, such as receipts reflecting payment of current fees or state listings of attorneys by name, were also acceptable. Some attorneys requested headquarters personnel to construe various documents as the "equivalent" of "good standing." Ultimately, proof of "good standing" is an individual responsibility. What qualifies as acceptable documentation will be clarified for future certifications.

3. Future certifications. As part of my ongoing obligation to oversee the professional responsibility of attorneys practicing under the cognizance of the Judge Advocate General, I will continue to require regular, periodic proof of compliance with Professional Responsibility Rule 8.6. As with the 2004 certification, our two Rules Counsel and the Assistant Deputy Judge Advocate General will centrally manage this program. Certification will occur every 2 years, from 15 January to 1 April, next occurring in 2006. I will issue a JAG Instruction outlining the details of this ongoing requirement.

4. Thank you for making the 2004 "good standing" certification a success and for your continued cooperation in this effort.

MICHAEL F. LOHR