

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 6**

138. (Update to JPP RFI 35) DoD and Services: Are the Services coordinating on SVC program training, best practices, and/or procedures? If so:

a. How often are coordination meetings held?

DoD	Yes, the SVC /VLC program managers routinely collaborate and share best practices. Moreover, the NDAA for FY 2016, Section 535, requires the Secretary of Defense to establish guiding principles and develop policy regarding standardization of certain elements of the Military Services' SVC/VLC programs. We expect the policy will prescribe responsibilities pertaining to the SVC/VLC programs to TJAGS and the SJA to the CMC, and the DoD General Counsel as appropriate.
USA	No update to JPP RFI 35 response.
USAF	The Services meet monthly to coordinate best practices and policy developments. The meeting topics have included pending legislation, current cases involving potential writ or appellate opportunities, developing Service and DoD regulations, Service policy, engaging with other stakeholders such as the MCIOs, and a broad scope of representation issues, such as representing clients at medical or physical disability boards or separation boards. Program leadership, particularly the Program Chiefs, discuss issues weekly, by phone or email. Also, regular coordination in cross-service representation detailing is discussed at all leadership levels.
USN	Yes. Intra-service VLC/SVC meetings are held at least every six weeks and more frequently, if warranted. For example, when legal or policy issues arise affecting all service programs, coordination of responses occur weekly or even daily via telephone conferences and electronic mail.
USMC	Yes, the Services coordinate as described below. <ul style="list-style-type: none"> - Monthly Meetings. The Program Managers and their Deputies meet monthly to discuss emerging issues, set policy and share best practices. - Daily coordination: The OIC or Deputy OIC, VLCO, is in daily contact with one of his or her peers in another service in order to coordinate on various issues as they arise. Examples include: <ul style="list-style-type: none"> - Assisting a USAF SVC stationed in Japan to serve a petition for a writ of mandamus on the Navy Marine Corps Court of Criminal Appeals. - Providing a VLC from one Service to a victim of another Service because the victim prefers a VLC within closer proximity to their unit (e.g., Navy Corpsman assigned to Marine units on aboard Marine Bases). - Sharing motions that have proved effective and rulings that were favorable to a VLC. - Discussing whether to submit <i>amicus curiae</i> briefs in significant cases on appeal.
USCG	Meetings between the SVC/VLC Program Managers and, on occasion, Deputy Program Managers, for all the Services are held 8-10 times a year to discuss issues impacting every Service.

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b. Who participates in coordination efforts?

DoD	Yes, the SVC /VLC program managers routinely collaborate and share best practices. Moreover, the NDAA for FY 2016, Section 535, requires the Secretary of Defense to establish guiding principles and develop policy regarding standardization of certain elements of the Military Services’ SVC/VLC programs. We expect the policy will prescribe responsibilities pertaining to the SVC/VLC programs to TJAGS and the SJA to the CMC, and the DoD General Counsel as appropriate.
USA	No update to JPP RFI 35 response.
USAF	Every level of the SVC/VLC Programs coordinates efforts with their sister-Service counterparts to develop consistency in practice and policy to the extent possible. As discussed in JPP RFI 138(a), above, Program Chiefs and Deputies are in regular contact to discuss cases, appellate issues, appellate and amicus brief filings, policy, legislation, performance measures, SVC/VLC success stories, challenges, and successful representation resolutions. SVCs/VLCs in the field coordinate training amongst themselves. As discussed in JPP RFI 125(i), above, in FY15, SVCs/VLCs in Europe conducted a joint training session to share best practices that focused on issues in European cases. SVCs/VLCs frequently share, through email and in-person contact, successful trial-level motions and arguments and coordinate appellate-level filings. Additionally, Air Force SVPs have worked with other Services’ legal support staffs to collaborate on the best methods to support clients and SVCs.
USN	The Service VLC/SVC Program Managers and their Deputies participate in coordination efforts and the meetings. Each service rotates hosting the meeting and the host service proposes a date and time for the meeting, as well as a proposed agenda that all the Program Managers and Deputies contribute to ahead of the meeting. Program Managers unable to attend the meeting in person, attend telephonically.
USMC	The Program Managers and their Deputies.
USCG	Staff members from the various program manager offices attended the meetings and coordinate through available means of communication.

c. How are coordinated decisions reached?

DoD	Yes, the SVC /VLC program managers routinely collaborate and share best practices. Moreover, the NDAA for FY 2016, Section 535, requires the Secretary of Defense to establish guiding principles and develop policy regarding standardization of certain elements of the Military Services’ SVC/VLC programs. We expect the policy will prescribe responsibilities pertaining to the SVC/VLC programs to TJAGS and the SJA to the CMC, and the DoD General Counsel as appropriate.
USA	No update to JPP RFI 35 response.
USAF	The Services’ SVC/VLC Programs reach coordinated decisions through discussion, consensus when appropriate, and internal Service coordination on proposed positions.
USN	No Service VLC/SVC Program is bound by the policies of another. Group discussions, identified best practices, current challenges, and successful outcomes are discussed and each Service is able to utilize the shared information to improve their program as desired. Successful motions, Writs of Mandamus and other working documents are shared and vetted amongst the service representatives.
USMC	The program managers generally reach a consensus on what a decision should be and then each program mangers independently implements the policy within her own

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	program.
USCG	Generally, while each Service provides input, services are free to reach their own decisions with respect to what training to provide and what procedures to implement

d. Are there standards for training and procedures across the Services? If so, where are these requirements found?

DoD	Yes, the SVC /VLC program managers routinely collaborate and share best practices. Moreover, the NDAA for FY 2016, Section 535, requires the Secretary of Defense to establish guiding principles and develop policy regarding standardization of certain elements of the Military Services' SVC/VLC programs. We expect the policy will prescribe responsibilities pertaining to the SVC/VLC programs to TJAGS and the SJA to the CMC, and the DoD General Counsel as appropriate.
USA	No update to JPP RFI 35 response.
USAF	<p>While there is no statutory or regulatory requirement that each Service provide the same SVC/VLC training, all of the Services recognize the importance of similar training and have worked diligently to deliver a consistent basic certification course. Similar standards for SVC training across the Services are the result of shared resources, shared instructors, and coordination of the courses and course curricula, particularly by the Army and Air Force's JAG Schools. Recommendations from the other Services about course content and delivery is considered in Air Force SVC course development. In addition, courses at the Air Force JAG School, including the SVC course, satisfy formal education and training requirements, such as course feedback. Students are required to complete end of course surveys and individuals are identified to critique each block of instruction.</p> <p>Similarly, there is no requirement the Services follow the same SVC/VLC procedures, but similar SVC/VLC procedures have been developed through collaboration. For example, the Services worked together to develop the rules and guidance for child representation. Recently, the Services discussed policy approaches to DoD civilian representation, SVC/VLC guiding principles, program performance measures and metrics, and SVC/VLC evaluation procedures. The Program Chiefs collaborated on a proposal to codify these guiding principles, performance measures, and evaluation procedures.</p>
USN	Other than graduating from an accredited law school, passing a state bar exam, successfully completing a Basic Lawyer Course, being qualified and certified under Article 27(b) and sworn in accordance with Article 42(a) of the Uniform Code of Military Justice and successfully completing formal SVC/VLC training, the Navy VLCP is unaware of any universal standards for training or procedures required of all Services. However, such standards may be developed by the Services under § 535 of the FY16 NDAA. As it currently stands, the Army, Air Force and Navy VLC/SVC training courses closely mirror each other, to include use of the same subject-matter experts and lecturers.
USMC	Training has been effectively standardized by having only two JAG schools that offer certification training.
USCG	Currently, there are no standards for training or procedures.

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e. Does DoD oversee operation of, or standards for, Service SVC programs?

DoD	Yes, the SVC /VLC program managers routinely collaborate and share best practices. Moreover, the NDAA for FY 2016, Section 535, requires the Secretary of Defense to establish guiding principles and develop policy regarding standardization of certain elements of the Military Services' SVC/VLC programs. We expect the policy will prescribe responsibilities pertaining to the SVC/VLC programs to TJAGS and the SJA to the CMC, and the DoD General Counsel as appropriate.
USA	DoD is in the process of implementing guidance regarding baseline training requirements, and standardized performance measures and reporting metrics.
USAF	Currently, there is no formal DoD oversight of or standards for Service SVC program. The Services' proposal referenced in JPP RFI 139d calls for DoD to support standardization among the Services with guiding principles and performance measures, to be administered by the Service TJAGs exercising their Article 6, UCMJ, authority. Ultimately, it is important that each Service's SVC Program account for Service-specific cultures and missions.
USN	The Navy is aware that under § 535(b) of the FY16 NDAA, the Secretary of Defense, in collaboration with the Service Secretaries, is establishing guiding principles for the SVC/VLC programs, along with performance measures and evaluation processes.
USMC	No.
USCG	Not applicable to the Coast Guard.