

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 1**

27. DoD and Services: Is there guidance that protects SVCs from retaliation or adverse career impact because of their SVC service?

DoD	There do not appear to be any responsive documents issued at the DoD level.
USA	<p>Special Victim Counsel receive extensive training at the SVC Course on their respective roles and responsibilities and the role of the SJA. Special Victim Counsel are supervised by Chiefs of Legal Assistance. The function and responsibility of legal assistance attorneys is to represent their clients in matters concerning family law, estates, real property, personal property, economic hardship, taxes, torts, civilian administration (notarization, immigration, naturalization, welfare assistance, etc.), and military administration (line of duty investigations, reports of survey, evaluation report rebuttals, relief for cause reviews, etc.) (<i>see</i> AR 27-23, http://www.apd.army.mil/pdffiles/r27_3.pdf).</p> <p>Because Chiefs of Legal Assistance are adept at supervising attorneys who represent clients whose interests are sometimes adverse in nature to the unit commanders, it is natural to have them also supervise SVCs who also advocate for their clients. Special Victim Counsel can contact the SVC Program Manager independent of the Chief of Legal Assistance or the SJA if any issue concerning adverse career impact or retaliation arises. To date the program has not received any reports of retaliation or adverse career impact from any Active Duty or Reserve Component Judge Advocates.</p>
USAF	<p>The Special Victims' Counsel Rules of Practice and Procedure identify the standards that SVCs are expected to follow, to include zealous advocacy for their clients.</p> <p>SVCs may raise lower level concerns that do not rise to retaliation or reprisal to the SVC Program Chief, who can address issues through the chain of command.</p> <p>SVCs are protected from retaliation or adverse career impact through utilizing the Inspector General complaint resolution process detailed in AFI 90-30, <i>Inspector General Complaints Resolution</i>, if an SVC believes that he or she has been subject to reprisal for acts performed within his or her official duties. Reprisal is a violation under federal law, 10 U.S.C. § 1034, DoDD 7050.6, and may result in disciplinary action of offenders under the UCMJ or administrative/personnel actions.</p> <p><u>References:</u></p> <ul style="list-style-type: none"> - 10 U.S.C. § 1034, <i>Protected communications; prohibition of retaliatory personnel actions</i> - DoDD 7050.06, <i>Military Whistleblower Protection</i> http://www.dtic.mil/whs/directives/corres/pdf/705006p.pdf - AFI 90-301, <i>Inspector General Complaints Resolution</i> http://static.e-publishing.af.mil/production/1/saf_ig/publication/afi90-301/afi90-301.pdf
USN	VLC are protected by the same guidance that prohibits retaliation or reprisal for every other Service member. Additionally, Navy and JAG Corps leadership consistently convey the importance of the program and thereby sending a message VLCs are performing a critical duty. Since the VLC Program is less than a year old, there is no

**JUDICIAL PROCEEDINGS PANEL
REQUEST FOR INFORMATION SET # 1**

	data available from promotion boards to suggest any adverse career impact from assignment as a VLC. Promotion board results will be tracked, for VLC consistent with reviews of other specialty areas, such as Environmental Law, and Professional Development Officers.
USMC	Yes. The autonomous and independent supervisory chain of the VLCO was established to protect VLC/SVC from retaliation or adverse career impact. Performance evaluations are written in accordance with standard Marine Corps practice by the Reporting Senior and Review Officer in the VLCO chain.
USCG	In accordance with Article 37, UCMJ, and R.C.M. 104, only panel members and defense counsel are explicitly protected from retaliation as a result of their work in the military justice system. However, SVCs are afforded inherent protections in the Officer Evaluation Report system that safeguard all officers from retaliation as a result of their professional duties.