

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

28. Services: Does your Service require certification of SVCs? If so, what is required to be certified? If not, what training and/or experience are required to be eligible to serve as an SVC?

USA	Special Victim Counsel are legal assistance attorneys who are appointed by their SJAs based on their maturity and judgment. Special Victims Counsel serve a one to two year tour and are supervised by their Chief of Legal Assistance. The SVC Program Manager, who works directly for The Judge Advocate General (TJAG), provides direct professional responsibility and technical supervision. Special Victims Counsel are required to attend the SVC course and self certify that they are not under investigation. Personnel files are reviewed by branch and by professional responsibility, and then each individual SVC is reviewed by the SVC Program staff. Each SVC file is then forwarded to The Judge Advocate General who certifies each SVC after completion of the above mentioned steps.
USAF	<p>Rule 9 of the SVC Rules of Practice and Procedure provides the following guidance: in order to serve as an SVC, a judge advocate must be certified as trial and defense counsel under Article 27(b), UCMJ. To be certified, a judge advocate must graduate from the Judge Advocate Staff Officer Course, serve proficiently as a trial counsel in courts-martial, and be recommended for certification by their Staff Judge Advocate and a military judge. The Judge Advocate General is the approval authority for trial and defense counsel certification in the AF.</p> <p>All SVCs are hand-selected by The Judge Advocate General and must successfully complete a SVC course approved by The Judge Advocate General. SVCs must possess the level of maturity and experience necessary to be able to independently manage an office, represent clients, and zealously advocate to commanders and convening authorities, with supervision and oversight that is geographically separated.</p>
USN	Yes, all Navy VLC must successfully complete a specialized Victim's Counsel Training Course and be officially certified by the Judge Advocate General of the Navy to act as a VLC.
USMC	Yes. In accordance with 10 U.S.C. § 1044e, all Marine Corps judge advocates serving as VLC are required to be certified by the Judge Advocate General of the Navy. Judge advocates nominated to serve in VLCO billets undergo enhanced screening by the Officer in Charge, VLCO, for experience and temperament, to include a review of the judge advocates' military service records. Criminal convictions or current investigations into misconduct disqualify a judge advocate from consideration. Judge advocates selected to serve in the supervisory role as Regional VLC must have demonstrated expertise in military justice matters, preferably with at least two years combined experience as trial counsel, defense counsel, or military judge. Subordinate VLC must have at least six months of military justice experience serving as either trial counsel or defense counsel. Additionally, all judge advocates must successfully complete victim advocacy training prior to certification.
USCG	In addition to being a member of a the bar of a federal court or of the highest court of a State, all CG SVC must successfully complete a specialized Victim's Counsel Training Course, or possess sufficient skill and experience, and be

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	officially certified by the Judge Advocate General of the CG to act as an SVC.
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a. How many counsel from your Service have received SVC training to date?

USA	See Enclosure 11. ENCLOSURE 11: SVC Training Spreadsheet
USAF	121 Active Duty JAGs and 14 Air National Guard JAGs.
USN	32 VLC received “SVC” (or VLC) training to date; including all current counsel and a Reserve VLC who returned to his civilian employment after a year of VLC assignment.
USMC	All judge advocates assigned to VLCO (including OIC, Deputy OIC, RVLC, VLC, AVLC, and reserve support) have received specialized SVC training. 20 of 21 judge advocates attended specialized SVC training at the Air Force JAG School, TJAGLCS, or Naval Justice School. One reserve judge advocate assigned to the IMA Detachment in October 2014 has not yet attended one of these courses, but did attend the annual Marine Corps VLCO training event, which included instruction on legal representation of children, VLC motions practice, transitional compensation for victims, and other key topics.
USCG	Fifteen SVCs have been certified to date.

b. How many JAGs currently serving as SVCs have *not* received SVC training?

USA	None.
USAF	None.
USN	None. All judge advocates serving as VLC received specific training.
USMC	None. See answer to Question 28a.
USCG	Currently, three SVCs have not attended an SVC training course.

c. Are there practice limitations or oversight requirements for SVCs who serve clients prior to SVC training or certification?

USA	All counsel must abide by the requirements in AR 27-26, Rules of Professional Conduct for Lawyers, and AR 27-3, The Army Legal Assistance Program, as well as their State Bar Licensing authority. See http://www.apd.army.mil/pdffiles/r27_26.pdf and http://www.apd.army.mil/pdffiles/r27_3.pdf .
USAF	There are no practice limitations once a JAG is assigned as an SVC. According to Rule 9.2 of the SVC Rules of Practice and Procedure, JAGs and paralegals who are selected to serve as SVCs and SVPs must successfully complete a TJAG approved SVC course as soon as practicable. However, there have been no SVCs who represented clients without specialized training.
USN	Yes, specific policy was developed to guide VLC practice prior to official training and certification and was promulgated to all VLC and a copy of that guidance is attached

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	in enclosure (23). ENCLOSURE 23: VLC Certification Policy
USMC	Yes. If a newly assigned VLC is unable to attend the specialized training prior to reporting to VLCO, then the cognizant RVLC will work closely with him or her until such time they are able to attend the specialized training. RVLC are Marine judge advocates serving in or selected to the grade of O-4/Major, who normally have at least two years combined experience as a trial counsel or defense counsel or military judge. They serve as the supervisory attorney within their assigned region, and are responsible for the training, mentoring, and supervision of VLC. Prior to detailing a VLC to any case, RVLC consider many factors including training and education.
USCG	Of those SVCs who are currently designated as SVC but have not attended an SVC course, each possesses prior military justice or criminal law experience and as such, no limitations or oversight requirements exist for these individuals.

d. Are there Service rules or other guidance for how long an SVC may take clients prior to receiving SVC training or certification?

USA	Special Victims Counsel are not authorized to take SVC clients prior to receiving SVC training.
USAF	See answer to RFI #28c above.
USN	No. VLCs are sent to the first available training upon their selection. Navy is reviewing assignment procedures and course timing to optimize “pipeline training” for new VLCs to include attendance at SVC training courses executed by other Services. To date, all VLC received training either before or within 90 days of assuming VLC duties.
USMC	No. Typically VLC attend specialized certification training prior to seeing clients. However, the OIC, VLCO determines on a case-to-case basis if a newly assigned VLC may see clients prior to attending such training based on previous military justice experience, type of case involved, and local supervision in place.
USCG	Currently there is no such guidance.