



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

JAGINST 5813.4F  
JAG 05  
21 August 2000

JAG INSTRUCTION 5813.4F

From: Judge Advocate General

Subj: NAVY-MARINE CORPS TRIAL JUDICIARY

Ref: (a) SECNAVINST 1640.9B  
(b) SECNAVINST 5400.40  
(c) JAGINST 5800.7C CH-3

Encl: (1) Judicial Circuits

1. Purpose. To implement the provisions of references (a) through (c) as regards the Navy-Marine Corps Trial Judiciary (hereinafter referred to as the "Trial Judiciary").

2. Cancellation. JAG Instruction 5813.4E

3. Mission and Functions. The Trial Judiciary shall:

a. Provide certified military judges for all general and special courts-martial. The Trial Judiciary shall ensure each referred general and special court-martial is speedily tried. The Trial Judiciary shall coordinate with appropriate authorities with a view to ensuring all cases referred to trial are received by the Trial Judiciary as soon as possible after referral. Records of trial shall be expeditiously, but carefully, authenticated upon receipt.

b. Provide certified military judges to serve as Article 32 investigating officers in all cases in which competent authority requests such service, unless this may cause a conflict under Article 26(d), UCMJ. General and special courts-martial shall take precedence.

c. Provide certified military judges to serve as summary courts-martial when requested by competent authority and authorized by the circuit military judge in the cognizant circuit. General and special courts-martial and Article 32 investigations shall take precedence.

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- d. Provide certified general court-martial judges for hearings required under section 7407 of reference (a) for the psychiatric transfer of prisoners.
- e. Counsel and train participants in judicial proceedings.
- f. Participate in regional planning regarding the provision of legal services.
- g. Perform other duties as prescribed by the Chief Judge of the Navy-Marine Corps Trial Judiciary.

4. Authority and Responsibility. In order to accomplish the missions and functions of the Trial Judiciary, authority and responsibility are prescribed for specified personnel as follows:

a. Chief Judge

The Chief Judge of the Navy-Marine Corps Trial Judiciary, (hereinafter referred to as "Chief Judge"), as the Judge Advocate General's representative, is the Officer-in-Charge of the Trial Judiciary and shall exercise command over the Trial Judiciary. The Chief Judge is also the designee of the Judge Advocate General as that term is used in Article 26, UCMJ; R.C.M 108; and R.C.M 502(c), MCM. The Chief Judge shall administer the Trial Judiciary, supervise and coordinate the activities of all personnel, ensure the effective interchange of information and services among military judges, and perform other duties as may be directed by the Judge Advocate General. The Chief Judge may reassign the responsibilities of other judges on a temporary basis. The Circuit Military Judge for the Atlantic Judicial Circuit shall be the Deputy Chief Judge and, with his staff, assist the Chief Judge in the performance of his responsibilities.

b. Circuit Judge

The Chief Judge shall designate the Circuit Military Judge of each judicial circuit. The Circuit Military Judge details military judges to courts-martial as provided in paragraph 6. The Circuit Military Judge is responsible for the administration

and internal organization of that circuit and shall assist the Chief Judge as required.

5. Establishment of Judicial Circuits and Branch Offices. The judicial circuits of the Trial Judiciary are established to provide military judges within the defined geographic areas of responsibility. The descriptive name, location of the principal office, and the geographic limits of the judicial circuits are shown in enclosure (1). The geographic limits of the several judicial circuits are established to effect a division of work and responsibility. They shall in no way affect the jurisdiction of any court-martial. The creation or deletion of circuits or the temporary reassignment of areas of responsibility may be accomplished by the Judge Advocate General without change to this directive.

6. Detailing Military Judges to Courts-Martial

a. Section 0130 of reference (c) provides the authority to detail military judges to general and special courts-martial. To be detailed, a Naval or Marine Corps Officer must meet the qualifications prescribed in R.C.M. 502(c), MCM and must be assigned permanently or temporarily to the Trial Judiciary. The Chief Judge is authorized to further limit which judge may be detailed to courts-martial and under what circumstances.

b. The Circuit Military Judge (or a designee) assigned to a geographic area details military judges within that geographic area. If a court-martial is to assemble at a geographic location not within the area of any judicial circuit, the Chief Judge is authorized to assign the responsibility for the detailing of a military judge. No one outside the Trial Judiciary may influence the detailing of any military judge to any particular case. Within each judicial circuit, it is the responsibility of the circuit military judge to ensure adherence to this principle.

c. No military judge shall be detailed to a court-martial that is to convene in a judicial circuit other than the circuit to which the military judge is assigned, except by the direction of the Chief Judge.

d. Noncompliance with paragraph 6(b) and (c) of this instruction shall in no way affect the jurisdiction of any court-martial.

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7. Rules of Court. The Chief Judge may establish such rules of court as are appropriate for trials throughout the Naval Service and may authorize circuit military judges to establish additional rules to accommodate practice within their circuits. The Chief Judge shall forward copies of all local rules of court to the Judge Advocate General in accordance with R.C.M. 108, MCM.

8. Training. The Chief Judge shall establish a program for the continuing education and professional development of members of the Trial Judiciary. This program shall include professionally presented programs of continuing legal education and periodic organizational meetings.

9. Field Inspections. The Chief Judge shall make such periodic visits to the principal and branch offices of the various circuits as deemed appropriate.

10. Funding. Funds allocated by the Judge Advocate General for the operation of the Trial Judiciary shall be expended at the discretion of the Chief Judge in the furtherance of his responsibilities.



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## JUDICIAL AREAS AND CIRCUITS OF NAVY-MARINE CORPS TRIAL JUDICIARY

Circuit Name	Principal Office	Normal Areas of Responsibility
Atlantic	Washington, D.C.	Maine; New Hampshire; Vermont; Ohio; Massachusetts; Rhode Island; Connecticut; New York; New Jersey; Pennsylvania; Delaware; Maryland; Naval District Washington; Marine Corps Combat Center, Quantico, Virginia; Naval Weapons Station Dahlgren, Virginia; and all Atlantic Ocean areas not assigned to a circuit.
Tidewater	Norfolk, VA	Virginia (except those areas designated as within the Atlantic Circuit); North Carolina (except those areas designated as within the Piedmont Circuit); West Virginia; and Iceland.
Piedmont	Camp LeJeune, NC	All Marine Corps bases, air stations, camps, depots and logistics bases within the states of North and South Carolina.
Southeast	Jacksonville, FL	Alabama; Florida; Mississippi; Louisiana; Georgia; South Carolina (except those areas designated as within the Piedmont Circuit); the Caribbean Sea to include Panama, Guantanamo Bay, Cuba; and Puerto Rico.
Midwest	Great Lakes, IL	Illinois; Michigan; Minnesota; Wisconsin; Indiana; Kentucky; Nebraska; North Dakota; Tennessee; South Dakota; Texas; Arkansas; and Missouri.

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## JUDICIAL AREAS AND CIRCUITS OF NAVY-MARINE CORPS TRIAL JUDICIARY

Circuit Name	Principal Office	Normal Areas of Responsibility
Southwest	San Diego, CA	Arizona; New Mexico; Nevada; California; Oklahoma; Kansas; Colorado; and Utah (except those areas designated as within the Sierra Circuit).
Sierra	Camp Pendleton, CA	All Marine Corps bases, air stations, camps, depots and logistics bases within the Southwest Judicial Circuit.
Northwest	Bremerton, WA	Alaska; Washington; Oregon; Idaho; Montana; and Wyoming.
Island	Pearl Harbor, HI	Hawaii; New Zealand; and Australia.
Keystone	Okinawa, Japan	Okinawa and Iwakuni, Japan.
Westpac	Yokosuka, Japan	Japan (except Okinawa and Iwakuni); Korea; Asia; Guam, Philippines; Diego Garcia; and areas of Asia and the Pacific and Indian Oceans not included within the Island, Northwest, and Transatlantic Circuits.
Transatlantic	Naples, Italy	Europe; Africa; and countries of the Middle East and Southwest Asia, the Persian Gulf, the Mediterranean and Red Seas.