



DEPARTMENT OF THE NAVY  
OFFICE OF THE JUDGE ADVOCATE GENERAL  
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JAGINST 5817.1A  
JAG 20

6 January 2004

JAG INSTRUCTION 5817.1A

From: Judge Advocate General

Subj: JUDICIAL SCREENING BOARD

Ref: (a) Uniform Code of Military Justice

1. Purpose. To establish a Judicial Screening Board for screening of prospective trial and appellate military judges in the Navy and Marine Corps.

2. Cancellation. JAGINST 5817.1.

3. Discussion. Article 26 of reference (a) requires that the Judge Advocate General (JAG) certify that all officers serving as military judges are qualified for that duty. It further requires that judges of general courts-martial be designated by the JAG. Selection of officers for assignment to judicial billets is critically important to the fair and effective administration of military justice. Officers assigned to judicial billets require a suitable background in military justice, sound judgment, an even temperament, and exemplary writing skills. Accordingly, these procedures are intended to ensure that only highly qualified officers are recommended for assignment to judicial billets.

4. Screening Board Membership. The Assistant Judge Advocate General (Military Justice) will serve as Chairman of the Judicial Screening Board. The following additional members are designated: the Deputy Director, Judge Advocate Division; the Chief Judge, Navy-Marine Corps Court of Criminal Appeals; the Chief Judge, Navy-Marine Corps Trial Judiciary; and the Deputy Assistant Judge Advocate General (Criminal Law). An officer from the Military Personnel Division shall serve as Recorder for the Screening Board.

5. Procedure

a. Meetings. The Screening Board shall meet formally during the annual slating process, or at any other time deemed necessary by the Chairman. A majority of the members of the

Screening Board shall constitute a quorum. Business normally shall be conducted only at meetings of the Screening Board unless, with prior specific approval of the JAG, the Chairman polls the members individually by telephone or other means to consider nominations.

b. Nominations. Nominations for judicial appointments, including nominations of any officer previously assigned to a judicial billet but not currently serving in that or any other judicial billet, shall be made by the detailee of the officer nominated in the case of active duty Navy judge advocates or by the Assistant Deputy JAG in the case of inactive duty Naval Reserve judge advocates. The Deputy Director, Judge Advocate Division, or his designee, shall make nominations for judicial appointments in the case of all Marine Corps judge advocates. The nominating officer shall provide each Screening Board member with a Master Brief Sheet (Marine Corps officers) or an Officer Summary Record (OSR) (Navy officers) as appropriate. The nominating officer may be called upon to provide a brief to the Screening Board for each officer nominated. Officers need not be nominated for a specific judicial billet, but may be nominated and recommended by the Screening Board for judicial assignment in general, or to several potential judicial billets.

c. Selection and nomination of inactive duty Naval Reserve judge advocates. All inactive duty Naval Reserve judge advocates nominated to the Screening Board shall first be selected by a board ("Reserve Selection Board") consisting of the Assistant Deputy JAG, the Naval Reserve Law Program Manager, the commanding officer of the Naval Reserve Trial Judiciary unit, and such other inactive duty Naval Reserve judge advocates as may be designated by the Assistant Deputy JAG. The Reserve Selection Board shall review the qualifications of all applicants for Naval Reserve inactive duty judicial billets and nominate to the Screening Board those applicants considered best qualified for the available billets. Each nomination shall include a written summary of the nominee's qualifications as determined by the Reserve Selection Board. All reports and documentation pertaining to the Reserve Selection Board shall be maintained in the Office of the Judge Advocate General, Reserve and Retired Personnel Programs (Code 62).

d. Selection Precept. The Screening Board will consider each officer nominated and will vote whether to recommend to the JAG the appointment of that officer to a judicial billet. The

Board will operate according to a selection precept submitted by the JAG to the Screening Board. The Reserve Selection Board will also operate according to the selection precept.

e. Voting. The Screening Board will consider each officer nominated and will vote whether to recommend to the JAG the appointment of that officer to a judicial billet. Voting shall be by voice vote or show of hands, at the discretion of the Chairman. A favorable majority vote of the members of the Board present shall constitute a recommendation of the Board that the officer is qualified for judicial assignment.

f. Report. The Chairman shall submit a report to the JAG, via the Deputy JAG, that summarizes the Screening Board's proceedings and recommendations. The Recorder will provide administrative support in preparing the report. The office of the Assistant Judge Advocate General (Military Justice), will maintain, by convening date, Judicial Screening Board reports. The report of the Board is advisory in nature and does not restrict in any manner the statutory authority of the JAG to make judicial appointments, nor does it confer any rights or entitlements to an officer recommended for judicial assignment.

6. Nominations Not Requiring Screening Board Action

a. Nominations of special court-martial judges for temporary or permanent general court-martial certification. A meeting of the Screening Board is not required in the case of a certified special court-martial judge currently assigned to a judicial billet who is nominated by a local Circuit Judge for designation as a general court-martial judge. Nominations may be made for permanent designation, or for temporary designation for the purpose of presiding over a specific case or series of cases. To make such a nomination, the local Circuit Judge will forward to the Chief Judge, Navy-Marine Corps Trial Judiciary, the nomination, specifying whether it is for permanent or temporary designation, along with a summary of the officer's qualifications as a military judge. The nomination package should include a statistical summary of the number of trials the nominee has tried specifying the number of judge alone and members trials conducted; and a summary of any particularly noteworthy or complex issues considered. The Chief Judge, Navy-Marine Corps Trial Judiciary, will then review the nomination and forward it to the JAG for approval.

b. Exigent Nominations. When exigent circumstances so require, a local Circuit Judge may nominate to the JAG (or Acting JAG), via the Chief Judge (or Acting Chief Judge), a certified special court-martial judge who is assigned to the Navy-Marine Corps Trial Judiciary, for temporary designation as a general court-martial judge for the purpose of presiding over a specific case or series of cases. Circuit Judges may, however, submit exigent nominations directly to the JAG if they are unable to contact the Chief Judge. Nominations, endorsements, and decisions may be made by any means available (e.g., phone, fax, e-mail). The Chief Judge shall memorialize all exigent nomination requests using procedures delineated in paragraph 6a.



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