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NAVAL LEGAL SERVICE COMMAND
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Subj: NAVY VICTIMS' LEGAL COUNSEL PROGRAM MANUAL

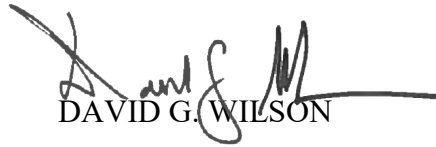
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(e) 10 U.S.C. Ch. 47
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(r) 10 U.S.C. § 1059
(s) *LRM v. Kastenberg*, No. 13-5006 (C.A.A.F. 2013)
(t) OPNAVINST 5800.7A
(u) BUPERSINST 1610.10F
(v) 5 C.F.R. 2635
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(x) NDAA for FY2022
(y) NDAA for FY2014
(z) CNLSCINST 1300.2
(aa) DD FORM 2946
(bb) CNLSCINST 5800.1J
(cc) JAG/CNLSCINST 1650.1C
(dd) OPNAVINST 5354.1H
(ee) SECNAVINST 5350.16A
(ff) OPNAVINST 5350.4E

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Encl: (1) Victims' Legal Counsel Program Manual

1. Purpose. To promulgate policy, prescribe procedures, and assign responsibilities for execution of the Navy Victims' Legal Counsel Program (VLCP).
2. Applicability. This instruction applies to all personnel providing Victims' Legal Counsel (VLC) services to eligible victims under the Navy VLCP, including: Active and Reserve component Navy judge advocates, enlisted staff, and civilian employees.
3. Background. Victims of sexual offenses and domestic violence often suffer significant emotional, physical, and mental trauma as a result of the crimes committed against them. These victims merit specialized assistance in understanding and exercising their rights, interests, available resources, and the processes that may be implicated in their recovery. This is particularly true when the victim participates in the investigation and military justice processing of the offense. While the Navy provides Victim Advocates and counseling services to assist victims with a variety of issues, these professionals do not have the requisite legal experience necessary to assist victims in navigating the Navy's legal and administrative systems. VLC are trained, certified, and qualified attorneys who provide support, assistance, advice, and advocacy for Navy victims throughout these processes.
4. Policy. Sexual offenses and domestic violence remain serious threats to the morale, good order, discipline, and readiness of the Navy. The goal of the VLCP is to assist victims by providing an understanding of the legal and administrative processes and by protecting the rights of the victim, including the right to be informed and the right to privacy. VLC serve the expressed interests of the client.
5. Action. Per reference (a), the Judge Advocate General of the Navy assigned responsibilities for execution of the Navy VLCP to Commander, Naval Legal Services Command and reference (b) implemented the Secretary's and Congressional mandate by establishing the Navy's VLCP on 15 August 2013. Enclosure (1) amplifies and expands the referenced guidance and promulgates policies and procedures to execute the Navy VLCP. All personnel providing services under this program will execute their duties per these policies and procedures.
6. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of September 2019.
7. Review and Effective Date. Per OPNAVINST 5215.17A, Chief VLCP will review this instruction annually around the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 10 years, unless revised or cancelled in the interim, and will be reissued by the 10-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed

for cancellation as soon as the need for cancellation is known following the guidance in OPNAV Manual 5215.1 of May 2016.



DAVID G. WILSON

Distribution:

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**VICTIMS' LEGAL COUNSEL MANUAL
(CNLSCINST 5810.2)
VICTIMS' LEGAL COUNSEL PROGRAM**

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1. Program Overview

1-1. Mission. The mission of the Victims' Legal Counsel Program (VLCP) is to provide legal support to, and advocacy on behalf of, victims of domestic violence and sexual offenses. Victims' Legal Counsel (VLC) educate clients about their reporting options, the military justice process, victim rights, privacy, privileges, collateral misconduct, and other related administrative processes. VLC also help ensure clients are connected with additional support providers, including medical, mental health, and legal assistance.

1-2. Restricted Cases. In most restricted cases, VLC will conduct consultations but may not form an attorney-client relationship (ACR). VLC will provide general information consistent with paragraph 1-1, with a focus on the medical and mental health services available to assist the victim's recovery. VLC are not authorized to take an official "Restricted Report" and should coordinate with the local Sexual Assault Response Coordinator (SARC) or Family Advocacy Program (FAP) Victim Advocate (VA), as appropriate, to initiate that report. VLC may also inform victims about the Catch a Serial Offender (CATCH) Program under reference (c); however, the victim may only register for the program through the SARC. In restricted cases where it is necessary to establish an ACR, advocacy and official representation of the victim will be limited to maintain the special nature of restricted reporting. VLC should avoid any action that could undermine the report's "restricted" status or the victim's decision to make such a report, such as advocating for a military protective order (MPO) or expedited transfer, which are only available to victims who have filed unrestricted reports under reference (d).

1-3. Unrestricted Cases In unrestricted cases, VLC will provide support, advice, and guidance for the client throughout the investigative, pretrial, trial, post-trial, and administrative processes. This includes, where appropriate, advocacy and representation for the victim where the victim's rights and interests are implicated.

1-4. Definitions

a. "Article 6b Designee." A person appointed by a military judge or other designated authority per § 806b of reference (e) to assume and enforce the client's rights under that section.

b. "Client." A person eligible for VLCP services, as defined in Section 5 who has executed a standardized VLC Scope of Representation Letter, as promulgated under paragraph 8-8.

c. "Collateral misconduct." Misconduct that the client may have committed that has a direct connection to their reported qualifying offense, such as underage drinking, adultery, fraternization, or violating a liberty policy. It may also include cross-allegations arising out of the same incident as the client's reported qualifying offense.

d. "Conflict of Interest." Under Rule 1.7(a) of reference (f), a conflict of interest is present when "the representation of one client will be directly adverse to another client" or when "there is a significant risk that the representation of one or more clients will be materially limited by the

covered attorney's responsibilities to another client, a former client or a third person or by a personal interest of the covered attorney."

e. "Diminished capacity." Under Rule 1.14 of reference (f), a person whose capacity to make adequately considered decisions in connection with their representation is diminished, whether because of minority, mental impairment, or for some other reason.

f. "Former Client." A client becomes a former client once the attorney representation is terminated under paragraph 6-5.

g. "Guardian." A person appointed to act as a general guardian over the client and their affairs by a competent family or dependency state court of law, also known as a "conservator," "custodian" or "curator."

h. "Guardian *ad litem*." A person appointed by a state civil or criminal court to represent the legal interests of a minor or person with diminished capacity in a particular cause before the court.

i. "Minor." A person under the age of 18 years.

j. "Prospective Client." Someone who may be eligible for services but who has not yet completed a Scope of Representation Letter. This term includes persons who have requested services, consulted with an attorney, and have yet to formally enter into an ACR with a VLC.

k. "Unauthorized practice of law." Under Rule 5.5 of reference (f), unauthorized practice of law occurs when an individual who is not authorized to practice law provides client services without supervision by a properly authorized attorney.

l. "Victims' Legal Counsel" (VLC). Any active-duty or reserve component judge advocate, or civilian attorney, employed by the Department of the Navy (DON), certified and authorized by the Judge Advocate General or designee as a VLC to provide legal services.

2. Organization

2-1. Authority of Commander, Naval Legal Service Command

a. Per references (a), (b), and (g), all active duty, reserve, and civilian personnel who provide services and support through the VLCP are subject to the supervision and regulation of Commander, Naval Legal Service Command (CNLSC) and the rules and procedures set forth in this Manual.

b. All VLC practice under the supervision of CNLSC and will conform to the Rules of Professional Conduct as set forth in reference (f).

2-2. Chain of Command

a. VLCP personnel report to CNLSC via the Chief, Navy VLCP (Chief VLCP). Chief VLCP is responsible for the oversight, formal evaluation, training, and mentoring of VLCP personnel. The Deputy Chief, Navy VLCP (Deputy Chief VLCP) and the Operations Officer (OPSO) assist Chief VLCP in execution of these duties. The Deputy Chief VLCP oversees the policy, training, appellate practice and on behalf of Chief VLCP, oversees civilian personnel management and supervision. The OPSO is responsible for the day-to-day execution and administration of the VLCP and fulfills duties and responsibilities traditionally assigned to an Executive Officer.

b. Chief VLCP will promulgate operational and practice policy requirements; supervise and manage VLCP personnel; establish practices and instructions to support and enhance the VLCP mission; ensure proper support of VLC throughout the Fleet; coordinate with other victims' support programs both internal and external to the DON and the Department of Defense (DoD); and inspect VLCP operations as needed to ensure policy compliance and effective mission execution.

c. The Navy VLCP is divided into geographical regions designated by Chief VLCP. Each region is staffed with a supervising attorney Officer in Charge (OIC) appointed by Chief VLCP. OICs report to Chief VLCP via OPSO. OICs monitor and support the operations of their subordinates, ensure standardized program policies are followed, and ensure a balance of client caseloads among VLC in their region.

d. Chief VLCP oversees VLC policy and practice in support of victims' rights advocacy and enforcement across the DoD and DON enterprises including but not limited to the military justice process and the appellate process. In this effort, Chief VLCP is assisted by Deputy Chief, the Senior Policy and Appellate Advisor (SPAA), and other VLCP personnel as designated by Chief VLCP.

e. Chief VLCP oversees and is responsible for the civilian staff supporting the VLCP mission around the world. VLCP civilian paralegals are located in and support various VLCP regions, providing critical victim and VLC support. They receive their day-to-day work assignments from their regional OICs and the VLC they support within their area of responsibilities (AORs). The Supervisory Paralegal is part of VLCP Headquarters (HQ), and in

conjunction with OIC input, provides paralegal administrative management, to include but not limited to, onboarding, time-keeping, performance appraisal, career development, and training.

3. Victims' Legal Counsel

3-1. Qualifications for VLC. VLC will be certified per Article 27(c) and sworn under Article 42(a) of reference (f). VLC will be licensed attorneys in good standing with the bar of any state, territory, or commonwealth of the United States or the District of Columbia. Consistent with reference (h), VLC will satisfactorily complete a specialized course of study prescribed by Chief VLCP and be certified by the Judge Advocate General of the Navy as a practicing VLC.

3-2. VLC Responsibilities

a. Independent Judgment. VLC will exercise independent professional judgment on behalf of their clients within the scope of the VLCP. Attorneys are professionally responsible for their work product and for that of any VLCP administrative or legal support staff to whom functions are delegated.

b. Attorney Control. All client services within the VLCP will be provided by or under the supervision of a VLC as described in this Manual. Client services are services that call for the professional advice and expertise of a VLC and give rise to an ACR. In most cases, requests that necessitate advocacy, representation, or substantive legal advice require the establishment of an ACR. Requests for program information, available services, or general process-related inquiries might not require the formation of an ACR, in which case the VLC may provide a consultation without forming an ACR or may delegate these tasks to subordinate support staff.

3-3. VLC Delegation of Work to Support Staff

a. All VLC and support staff members will operate as a fully integrated team to deliver timely and effective legal services to eligible victims.

b. The ability to effectively delegate work to support staff is essential to the efficient execution of the VLCP mission. That delegation will occur consistent with this Manual and reference (f). VLC should balance the need for effective, efficient mission accomplishment against the requirement to vigilantly guard against the unauthorized practice of law by support staff and the unauthorized disclosure of confidential information.

c. VLC will delegate work to support staff as outlined in Section 4 of this Manual, provided the attorney:

(1) Maintains direct contact with the client and does not delegate all client contact and case work to support staff;

(2) Supervises support personnel in the performance of the delegated work;

(3) Assumes professional responsibility for the work product; and

(4) Ensures clients and third parties understand that members of the support staff are not attorneys.

3-4. Foreign Local Counsel. In Outside the Continental United States (OCONUS) locations, an eligible victim under Section 5 of this Manual who is assaulted by a local or third-country national may have their case adjudicated through the host nation's court system. While a VLC may enter into a limited-scope representation under paragraph 7-6, that client may require the services of a local attorney to guide them through and represent them in the host nation's court system. Some locations may have a host nation attorney contracted by the Office of Special Trial Counsel (OSTC), Region Legal Service Office (RLSO), or VLCP for such instances. When the victim requests a host-nation attorney, but does not wish to privately procure an attorney and there is not a local attorney already on contract for that purpose, the VLC will notify their OIC. The OIC will coordinate with Deputy Chief VLCP, OPSO, the JAG Consolidated Administrative Business Office (JCAB), the relevant Navy Region Commander, and local contracting officers to determine whether the Navy can obtain a host-nation attorney for the client. Any time a host-nation attorney is contracted, the local VLC will become familiar with the contract parameters and any limitations to representation, maintain a professional working relationship with the contracted attorney, and coordinate with the contracted attorney as appropriate.

4. Support Staff

4-1. Generally VLCP support staff include administrative assistants and paralegals who perform duties in support of the VLCP mission as directed by the supervising VLC and civilian supervisors, within legal and ethical bounds. Their specific duties depend on the needs of their assigned office, their experience and training, and the availability of adequate supervision.

4-2. Administrative Personnel. Administrative staff provide basic and intermediate administrative support to VLCP personnel and clients in their prospective AORs. This support includes:

- a. responsibility over standard office equipment, layout, and function;
- b. routing standard personnel documents, such as awards, officer fitness reports (FITREPs), enlisted evaluations (EVALs), and travel claims;
- c. drafting general correspondence;
- d. managing all supply purchase requests;
- e. liaising between local RLSO Admin Department and VLCP personnel; and
- f. other general administrative support for VLC personnel.

4-3. Civilian Paralegals

a. Civilian Paralegals provide legal and administrative support to VLC under supervision of the OIC and the Supervisory Paralegal. Their duties include:

- (1) supporting VLC in the representation of VLCP clients, such as preparing and reviewing legal pleadings, case summaries, legal memoranda, and written correspondence in compliance with reference (i) or local court rules;
- (2) legal research and analysis of applicable statutes, directives, instructions, manuals, and other laws;
- (3) coordinating and assisting VLC with client appointments and interviews;
- (4) maintaining case management systems for services provided and conflict checks;
- (5) assisting VLCP staff with confidential screenings to determine client eligibility and performing client intake;
- (6) creating and maintaining database spreadsheets for statistical purposes;
- (7) preparing command brochures, handouts, presentation briefings, reports, and other documents consistent with VLCP HQ and OIC guidance;

- (8) providing notarial service as needed by VLC as part of the representation of clients;
- (9) maintaining electronic and hard copy office files and ensuring appropriate retention and destruction of files;
- (10) providing briefs, training, and other general outreach to relevant stakeholders;
- (11) attending and participating in stakeholder meetings on behalf of VLC and clients including but not limited to the Sexual Assault Case Management Group (SACMG), as assigned and overseen by the OIC; and
- (12) other legal and administrative duties as assigned.

b. Supervisory Paralegal. The Supervisory Paralegal is the principal civilian paralegal advisor to the Chief VLCP, Deputy Chief VLCP, OPSO, and the OICs and is the VLCP point of contact for all civilian paralegal matters. The Supervisory Paralegal's duties include:

- (1) supervising and training civilian paralegals;
- (2) managing civilian software applications and information systems such as the Standard Labor Data Collection and Distribution Application, Total Workforce Management Services, and DoD Performance Management and Appraisal System;
- (3) advising on civilian employee programs and policy, morale, job satisfaction, utilization, professional development and training, program level projects, and recognition; and
- (4) communicating with the OICs regarding civilian paralegal performance, utilization, work schedules, and other civilian personnel matters.

4-4. Prohibition against Unauthorized Practice of Law. Support staff are critical to the timely and efficient provision of support to eligible clients. They are however, restricted by ethical rules of the legal profession from engaging in the unauthorized practice of law.

4-5. Prohibition against Accepting Unauthorized Compensation. Apart from their government compensation, support staff are prohibited from accepting any form of compensation or gratuity from or on behalf of a client for services rendered to any client.

4-6. Client Confidentiality. Support staff will maintain the confidentiality of client information. Adequate steps will be taken to prevent unauthorized disclosures, including: training all VLCP personnel in the ethical requirements of confidentiality; proper marking and safeguarding of any work-product that contains confidential information; physical security; proper disposal of records, finalized documents, and drafts of documents; and, respect for privacy during client screening and interviews. Initial screening of clients will be accomplished in a manner which ensures confidentiality. Support staff should avoid conducting screening or client interviews in public waiting areas and avoid placing Personally Identifiable Information (PII) on publicly

available forms or waiting lists. When on the phone or using video conferencing software, support staff should ensure that the client is in a private space and not being overheard.

4-7. Safeguarding Client Confidences. Support staff will safeguard client confidences and privileged information at all times. Support staff may disclose such information to others only at the direction of a supervising VLC. A breach of client confidentiality may be grounds for civil, administrative, or criminal sanctions.

5. Eligibility for Services

5-1. Eligibility. Eligibility for VLC services depends on two factors: the individual's status in relation to the armed forces and whether the individual is the victim of a qualifying offense.

5-2. Status of Individual. Per references (j) and (k), victims of a qualifying offense who are eligible for legal assistance under reference (l) are eligible for Navy VLCP services. Eligible victims of a qualifying offense include:

- a. Active-duty;
- b. Reserve personnel when victim of an active-duty service member;
- c. Retirees when a victim of an active-duty service member;
- d. Dependents, including spouses and children, of active-duty service members when a victim of an active-duty service member;
- e. DON civilians, employed by, serving with, or accompanying the Armed Forces of the United States, who are the victim of a sexual offense by an active-duty service member; and
- f. Other individuals eligible for general military legal assistance attorney services under reference (m) who are victims of active-duty service member.

5-3. Qualifying Offenses. A prospective client must advise the VLC that they are the victim of a qualifying offense to receive VLC services. A report of a qualifying offense is sufficient to satisfy VLCP eligibility, consistent with this section, regardless of command, law enforcement, or prosecutorial opinion, action, or inaction.

a. Qualifying Sexual Offenses. The following offenses under reference (n) are qualifying sexual offenses that may entitle eligible victims to VLC services:

- (1) Art 117a - Wrongful broadcast or distribution of intimate visual images
- (2) Art 120 - Rape and sexual assault
- (3) Art 120a - Mails: deposit of obscene matter
- (4) Art 120b - Rape and sexual assault of a child
- (5) Art 120c - Other sexual misconduct
- (6) Art 128(d) - Assault with an intent to commit rape, sexual assault, rape of a child, or sexual assault of a child
- (7) Art 134 - Child pornography; or

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(8) Art 80 - any Attempt of the above offenses

b. Qualifying Domestic Violence Offenses. The following offenses under reference (n) are qualifying domestic violence offences when committed against a spouse, intimate partner, or immediate family member, as defined by Article 128b of reference (e) that entitle eligible victims to VLC services when the requirements of paragraph 6-2 are met:

(1) Art 90 - Violation of a Military Protective Order (MPO)

(2) Art 92 - Violation of an MPO

(3) Art 115 - Communicating a Threat

(4) Art 118 - Murder

(5) Art 119 - Manslaughter

(6) Art 119a - Death or injury of an unborn child

(7) Article 122 - Robbery

(8) Article 125 - Kidnapping

(9) Article 126 - Arson

(10) Art 128 - Assault

(11) Art 128a - Maiming

(12) Art 130 - Stalking

(13) Article 134 - Animal abuse (When committed with intent to threaten or intimidate)

(14) Art 80 - any Attempt of the above offenses

5-4. Focus on Navy Victims. While other DoD service personnel may be provided a Navy VLC when assaulted by an active-duty Navy member, by agreement of the services, each service has the right of first refusal to advise and represent its own personnel. As such, Navy VLC may represent Sailors assaulted by other service offenders. In those cases, also by agreement between the services, the service of the offender will, if possible and as needed, provide a victims' counsel to advise the Navy VLC in engaging with the offender's command and military justice personnel.

a. Any non-Navy military service victim requesting Navy VLC services will be advised of their right to a victims' counsel from their own service. If the victim elects a victims' counsel

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from their own service, Navy VLC will make direct contact with the other service victims' counsel office and ensure a "warm hand-off" to that office.

b. Requests from victims of other services, or victims' counsel from other services on behalf of a victim, for either provision of a Navy VLC in non-Navy cases or where a Navy victim requests non-Navy victims' counsel, will be forwarded as follows: from field VLC receiving the request, to the OIC who will forward to Deputy Chief VLCP with a recommendation for approval or denial of the request. Deputy Chief VLCP may approve routine requests after coordination on the deputy level between the Services, but in the event the request is unusual or complex, Deputy Chief VLCP will forward for Chief VLCP awareness and approval.

5-5. Ineligible Victims. Those not eligible for VLC services based on their status or because they are not victims of a qualifying offense will be referred to the local RLSO or other Victim Witness Assistance Program (VWAP) providers, including civilian or host nation agencies if appropriate, for victim support services. However, if a VLC believes the circumstances of the case warrant VLC representation, the VLC may submit an eligibility waiver under paragraph 5-6.

5-6. Eligibility Waivers. Chief VLCP may make eligibility determinations and grant exceptions to general eligibility standards when warranted for good cause and to further the goals of the VLCP mission.

a. VLC who believe an exception is warranted will complete and forward an Eligibility Waiver Request, as promulgated under paragraph 8-8, to Chief VLCP via their OIC with a recommendation of approval or disapproval. OICs will forward Eligibility Waiver Requests (EWRs) directly to Deputy Chief VLCP with recommendation for approval or denial. EWRs will not be accepted by third parties for consideration. All EWRs must come from a current VLC, who has consulted with the victim and the victim has requested VLC services. A determination by Chief VLCP is required before forming an ACR with an otherwise ineligible victim. Factors considered for an eligibility waiver may include but are not limited to:

- (1) type of service requested and how long continued VLCP support is likely to occur;
- (2) the victim's active and ongoing participation in a Navy investigation or military justice proceeding;
- (3) timing of the reported offense and the victim's desired outcome;
- (4) the identity of the offender as an active-duty Navy member;
- (5) reasons why extension of services furthers the mission of the local command and the Navy; and
- (6) other circumstances relevant to the case.

b. Generally, the fact an otherwise eligible victim of a qualifying offense has a case being investigated or prosecuted through the civilian criminal justice system does not require an eligibility waiver request under this section. Instead, VLC should consider a limited scope of represented as described in paragraph 7-6 herein.

6. Attorney-Client Relationship

6-1. Attorney-Client Relationships: General Guidelines

a. Confidential Setting. A confidential setting is required to establish and maintain client confidentiality. When a VLC is conducting a consultation with a prospective client or meeting with an existing client—whether in person, telephonic, or via video conferencing—the communications should be confidential and protected under the attorney-client privilege. VLCP support staff acting under the supervision of a VLC will maintain attorney-client privilege and confidentiality.

b. Physical Environment Generally. Delivery of VLCP services in a military environment necessarily occurs under a variety of conditions and circumstances. To promote and protect client confidentiality and the attorney-client privilege, all communications and interviews executed prior to and during the relationship will be conducted in as confidential a setting as possible.

c. Virtual Meetings. When meeting with prospective or current clients via telephone or video conferencing, reasonable efforts will be made to ensure the privacy of the communication in both locations. VLC and support staff should confirm, via visual means or direct questioning, that the client is in a private area and that no third parties are present without the client's consent and with consideration of confidentiality concerns.

d. VLCP Offices. To the maximum extent possible, VLC will provide services in private offices with floor-to-ceiling walls and closing, locking doors. These conditions promote the confidentiality of client consultations and help safeguard case records. In circumstances where services are not provided in the VLCP office, the VLC will take reasonable measures to ensure client confidentiality. For initial meetings or meetings where important or sensitive material may be discussed, in-person meetings in an office setting are strongly recommended when practicable.

e. Prohibition Against Advice via Third Parties. The ACR requires personal and confidential communication. Advice will not be provided to or through a third party intermediary, nor will information personal to the client or which would normally be shielded by the attorney-client privilege be sought through a third party. Even where a client specifically requests that communications go to or through a third party, such as a family member, VLC are obligated to provide information directly to the client and receive responses directly from the client as part of appropriate representation and consistent with established professional responsibility rules.

f. Interpreters. In any situation where the client is a non-English speaker, or the VLC or VLCP staff feel the client's ability to comprehend English is inadequate for the purposes of thorough representation, the VLC should inquire whether the client can provide an interpreter of the client's own choosing to interpret the communications relevant to the service being provided. If the VLC or a member of the VLCP staff is fluent in the native language of the client, an interpreter is not required, so long as the VLC or staff member can effectively communicate with

the client. Government funding may be available to hire interpreters, depending on the case posture and circumstances. VLC are encouraged to explore these options via their supervisory chain to determine all available interpreter options for clients when needed.

(1) The interpreter will execute an affidavit attesting to their ability to speak both the relevant foreign language and English and that he or she has acted as a neutral interpreter and translated all communications to the best of their abilities. VLCP personnel will utilize the relevant form as provided under paragraph 8-8.

(2) In no event will a person with opposing or conflicting interest in the VLCP service being provided be permitted to serve as the interpreter.

(3) If the client refuses to cooperate with these conditions regarding use of an interpreter, counsel should contact their chain of command for guidance.

(4) When a client chooses to utilize a lay interpreter, such as a family member or friend, VLC should request the interpreter provide an exact translation rather than a translated summary or paraphrasing of the client. VLC should ask for clarifications from the translator or client as appropriate to ensure clear communication with the client.

6-2. Attorney-Client Relationships: Victims of Domestic Violence

a. A VLC may represent and advocate for a victim of domestic violence who is participating in a case that is being investigated or prosecuted through the military justice system. VLC are authorized to establish an ACR with a victim of domestic violence when:

(1) Military charges are preferred or are expected to be preferred;

(2) The victim has scheduled an interview with a military criminal investigative organization (MCIO) to report or discuss a qualifying offense under paragraph 5-3(c); or

(3) The victim requires representation at any stage of a court-martial or representation at related disciplinary or administrative procedures such as non-judicial punishment (NJP) or administrative separation.

b. When a case is not being investigated or prosecuted through the military justice system, VLC may provide limited representation and advocacy when the victim requires assistance, such as in the cases of an expedited transfer, safety transfer, or early return of dependents, or cases involving civilian authorities (pursuant to paragraph 7-15), and command investigations.

6-3. Ongoing VLC Attorney-Client Relationship. VLCs are generally not fungible and an ongoing VLC ACR will be respected by all relevant personnel to the maximum extent possible under the circumstances. Clients returning for a follow-up appointment or with a new question concerning the same or substantially the same legal matter will be directed to the same VLC, unless that VLC has transferred from the VLCP or the client has been assigned an alternate VLC. Whenever it is necessary to transfer responsibility for an ongoing case to another VLC, such as

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when a VLC transfers on Permanent Change of Station orders or is released from active duty, the client will be notified and the ACR terminated per paragraph 6-5.

a. Attorney Temporarily Unavailable. In the event a client's VLC is temporarily unavailable, a different VLC may, with the client's consent, assist in an emergent matter. Once emergent support is provided, any subsequent follow-up support or action regarding the matter will be handled by the original VLC. An "emergent" matter may include a short-fuse request for interview by law enforcement, including information sought immediately after an assault to help identify the alleged offender, locate and preserve the crime scene, and collect key evidence. When a victim is interviewed immediately after an assault, clients may be encouraged to provide such specific information as necessary to meet the immediate objectives of offender identification, crime scene location, and evidence recovery outside the presence of the VLC so long as the law enforcement agent does not exceed the scope of questioning necessary to accomplish those discrete ends. If the original VLC will be absent for a long period of time, such as for deployment, parental leave, or convalescent leave, the VLC, in consultation with the OIC, should take action as follows:

(1) For cases likely to conclude during the period of absence, the VLC should transfer responsibility of the case to another VLC, notify the client, and execute a termination letter. The new VLC will then complete all steps to retain the new client.

(2) For cases that will likely continue beyond the period of absence, the VLC should retain the case but also request assignment of a second VLC who will attend to matters that arise during the period of absence. The secondary VLC will treat the client as they would any other client, completing the necessary paperwork and conversations with the client to form an ACR, but they should normally be released when the original VLC returns from the absence.

6-4. Forming Attorney-Client Relationships

a. Availability of VLC. VLC will contact and coordinate with installation personnel, regional and area SARCs, local VAs, Family Advocacy Personnel (FAP) leadership and providers, area chaplains, medical providers, Naval Criminal Investigative Service (NCIS), Office of Special Trial Counsel (OSTC), Region Legal Service Office (RLSO) trial counsel, legal assistance offices, and major commands within the VLC's AOR; providing contact information and a description of services available to promote victim awareness of VLCP services.

(1) Communications should include routine and continuing outreach briefs to familiarize local personnel with VLC availability and services.

(2) VLC should ensure the following personnel are aware of their responsibility under reference (o) to advise victims of VLCP services: SARCs, VAs, FAP case managers, deployed resiliency counselors, victim/witness liaisons, medical healthcare providers, military criminal investigators, OSTC, and RLSO trial counsel.

b. Initial Consultation. VLC will conduct an initial consultation with a prospective client to ensure they are eligible for VLC services and actually desire VLC services. The first step to any initial consultation is to complete an intake interview and conflict check, which may be completed by support staff.

c. Establishing Representation and Caseload Limits. Each VLC has independent authority to assume representation of an eligible prospective client, with the concurrence of the OIC to ensure oversight of individual VLC caseload levels. VLC caseload limits are set by reference (n). Caseloads are closely monitored by Chief VLCP, Deputy Chief VLCP, OPSO, and OICs. Every reasonable effort will be made to comply with mandated caseload limitations as resources allow. OICs and individual VLC will raise caseload concerns to Deputy Chief VLCP and OPSO as needed.

d. Scope of Representation Letter. Prior to assuming representation of an eligible client, VLC will review and execute a Scope of Representation Letter, as provided pursuant to paragraph 8-8, with the prospective client to ensure the prospective client understands the nature and limits of VLCP representation. The VLC will retain a signed copy of the letter and ensure the client receives a copy.

e. Notification of Representation. Once a VLC and client have agreed to establish an ACR, the VLC will notify relevant stakeholders.

(1) External notifications. Once representation is established in an unrestricted case, the VLC will notify, as applicable, the client's Commanding Officer, staff judge advocate (SJA), NCIS or other applicable law enforcement, OSTC, RLSO trial counsel, defense counsel, SARC, and FAP if relevant. This should be done using a standard Notification of Representation letter, as promulgated under paragraph 8-8. If a VLC will be appearing in court on behalf of a client, the VLC will notify the court by filing a Notice of Appearance with the court, as promulgated under paragraph 8-8 and per local rules.

(2) Internal notifications. Additionally, the VLC will provide their OIC with a copy of the Notice of Representation at the same time the notice is distributed to external stakeholders. If a VLC is establishing representation of a client making a restricted report, the VLC will notify their respective OIC for oversight purposes. OICs will maintain Notices of Representation for proper management, caseload balancing, and workload tracking per paragraph 8-6.

f. Declination of VLC Services. VLC services are optional and may be declined by any prospective client. VLC should document that a prospective client was provided a consultation and declined services. VLC should also notify their OIC when the referral has been closed.

6-5. Terminating the Attorney-Client Relationship. The VLC will remain the counsel for the client, unless or until one or more of the following events occurs:

a. The victim releases the VLC from further representation. VLC services are optional and may be declined at any time by a client. The VLC will request a written release, signed by the client. If the client refuses to sign a release after expressing a desire to release the VLC, then the

VLC will send the client a termination letter informing the client that the representation has been terminated according to the client's desire to withdraw and make appropriate notation in the VLC's client file. VLCP personnel will utilize relevant forms as provided pursuant to paragraph 8-8.

b. The case has concluded. Conclusion of a case generally occurs at convening authority action, or when there is no further action, administrative or criminal, pending in the case, such as in the following types of cases, consistent with references (p), (q) and (f) and state bar professional responsibility rules:

(1) in cases of restricted reports of sexual offenses, VLC representation ordinarily terminates when there is no further legal action to be taken in the case;

(2) in cases where there is a completed investigation that results in neither preferral of charges nor further command action, VLC representation ordinarily terminates when the convening authority makes a final determination that no action will be taken in the case or there are no further legal services required;

(3) in cases where there are preferred charges that a convening authority or special trial counsel, as applicable, elects not to refer for trial by court-martial with no further command action, VLC representation ordinarily terminates when the convening authority makes a final determination that no action will be taken in the case or there are no further legal services required;

(4) in cases where charges have been referred, VLC representation ordinarily terminates after final convening authority action and finalization of the record of trial or when there are no further legal services required;

(5) in cases where NJP is conducted, VLC representation ordinarily terminates after final command action on any punishment or when there are no further legal services required; or

(6) in cases where administrative actions are taken, VLC representation ordinarily terminates after final command action on any administrative process or when there are no further legal services required.

c. The VLC transfers duty stations, resigns, retires, or is reassigned to a non-VLCP billet. When this occurs and the case is not otherwise concluded, the departing VLC will conduct a case transfer pursuant to paragraph 10 herein.

d. The victim transfers duty stations or is discharged. When this occurs and the case is not otherwise concluded, VLC will follow procedures as outlined under paragraph 10 herein.

e. The VLC must withdraw from representation due to other concerns. A VLC may only do this per Rule 1.16 of reference (f) after consulting with a supervisory attorney.

f. Notice of Termination of Representation. VLC will provide a Notice of Termination Letter, as promulgated under paragraph 8-8, when terminating an ACR with a client. Notice should contain contact information for the VLCP in case the former client has any further questions or concerns. The former client should be advised they may retrieve any personal documents from the VLCP office, and that if they choose not to retrieve those, the personal documents will be shredded per the document retention and destruction policy as described in reference (q) and consistent with the attorney's professional responsibility obligations. Once the ACR is terminated, the VLC is required to maintain attorney-client confidentiality and professional responsibilities to the former client. When possible, the VLC should have the client sign an acknowledgment of case representation termination and receipt of case documents.

7. Scope of Services and Limitations

7-1. General Scope of Services. VLC and support staff will provide assistance and advocacy for eligible clients as defined in this Manual.

7-2. Limitations on Services. VLC will practice per the standards provided by reference (f). VLC will not enter appearances or represent clients in any state or federal court, except for military courts-martial. VLC will not provide services to individuals who are not eligible for services, unless specifically authorized to do so by Chief VLCP.

7-3. Referrals. Eligible victims may be referred for VLC services at any time and by any entity, or they may seek VLC services directly. A victim is not required to make a report to the SARC or FAP to be eligible for VLC services. SARCs, VAs, FAP case managers, deployed resiliency counselors, victim/witness liaisons, medical healthcare providers, chaplains, military criminal investigators, OSTC, RLSO trial counsel, legal assistant attorneys, and others making referrals should contact the local VLCP office, VLCP OIC, or the OIC's appointed designee, through means as established and communicated in the local area by the VLC. If a referring party has any question as to whether a victim qualifies for VLC services, the referring party should contact the local VLCP office to discuss. Referrals arising from one AOR sent to another AOR will be transferred between respective OICs for assignment of a VLC. If a referred victim is non-responsive to an initial contact with the VLC office, then a record of the attempted contact should be included in the local intake file. Due diligence should be exercised to make contact after a referral is received, to include repeated communication attempts with the referred victim and referring entity, as needed.

7-4. Initial Meeting with a Prospective Client

a. In an initial meeting with a prospective client, VLC will carefully establish client eligibility. Despite referral by the SARC, VA, FAP, or any other provider, these personnel may have insufficient information to establish eligibility for VLCP services. VLC must ask direct questions to understand the nature of the alleged offenses when determining eligibility.

b. Once eligibility is established, the depth of discussion of individual case facts is left to the discretion of each VLC—detailed facts of the particular qualifying offense may not be essential for the VLC to perform the initial representation. The initial interview may concentrate on the client's current status, safety, plans, and goals, as well as any pending court or hearing dates. At the conclusion of the initial meeting, a prospective client may formally request VLC services and acknowledge the Scope of Representation agreement; however, this may also be done at a later time pursuant to the victim's desires.

c. As with other victim support providers, the VLC's primary responsibility is to support the prospective client; not to express any judgment or opinion on the prospective client's allegations or credibility. VLC should listen to the facts of the case from the prospective client's perspective. This should not prevent the VLC from providing an unbiased, honest analysis of the case to the prospective client. Initial interviews should be conducted in a professional and

empathetic manner, designed to put the client at ease. Initial contact with prospective clients may be provided by support staff under the same obligations and conditions.

7-5. Consultations. VLC may provide legal consultations on the following matters:

- a. Victim Witness Assistance Program (VWAP), including:
 - (1) the rights and benefits afforded to victims;
 - (2) the role of the VWAP liaison and what privileges do or do not exist between the client and the liaison; and
 - (3) the nature of communication made to the liaison in comparison to communication made to a VLC or a legal assistance attorney.
- b. The responsibilities and support provided to the client by the SARC, a unit or installation VA, or a FAP Counselor or VA, including any privilege that may exist between those persons and the victim, and the differences between restricted and unrestricted reporting.
- c. The potential for civil litigation against other parties.
- d. The military justice system, including:
 - (1) The investigative process, judicial milestones involved in a case and the possible outcomes of a case, and the roles and responsibilities of the convening authority;
 - (2) The role of NCIS or other criminal investigative agencies in the military justice system, and the victim's rights and options when dealing with such agencies, including the decision to provide or not provide a statement;
 - (3) The potential legal implications of collateral misconduct faced by the victim. If a victim may have committed collateral misconduct related to the crime of which he or she is a victim, a VLC may inform the victim of their legal options, including seeking testimonial or transactional immunity. Victims should be referred to the DSO to consult with a defense counsel as appropriate and for any misconduct that may reasonably be addressed at Non-Judicial Punishment (NJP), by administrative separation or court-martial;
 - (4) the roles and responsibilities of OSTC, the trial counsel, the defense counsel, and investigators; and the right to confer with trial counsel;
 - (5) any proceedings of the military justice process which the client may observe;
 - (6) the Government's authority to compel cooperation and testimony; and
 - (7) the client's responsibility to testify and other duties to the court.

e. Eligibility and requirements for services available from appropriate agencies or offices for emotional and mental health counseling and other medical services.

f. Personal civil legal matters per reference (j).

g. Understanding the availability of civilian and military protective or restraining orders, and obtaining MPOs. For assistance in obtaining civilian protective orders, VLC should refer eligible clients to a legal assistance office.

h. Understanding the eligibility and requirements for obtaining any available military and veteran's benefits, such as transitional compensation benefits under reference (r) and other state and federal victims' compensation programs, or other relevant matters of restitution.

i. Reprisal, retaliation, or ostracism, including advice and assistance with filing formal complaints.

j. Collateral misconduct related to the victim's offenses.

k. Other legal assistance as authorized herein.

l. When a VLC provides a legal consultation, but has not formed an ACR, the VLC should not advise the victim to waive or assert a legal right, advocate on behalf of the victim to the victim's command or other entities, submit evidence to law enforcement entities for testing or analysis, or advise the victim on whether to participate in a law enforcement investigation.

7-6. Limited Scope of Representation. VLC may establish a limited scope of representation of a prospective client who is eligible for VLC services under paragraph 5-2 or 5-6 and who is the victim of a qualifying offense where authorized VLC services available are limited for some reason to include a command investigation, a civilian investigation or prosecution. Prior to establishing a limited-scope representation, VLC will consider, and discuss with the prospective client, the nature of the legal services the VLC can provide. For example, a VLC may represent a victim for the limited purpose of obtaining an expedited transfer or for the purpose of liaising with local law enforcement and prosecutors in a case under civilian jurisdiction.

7-7. Advocacy for Expedited and Safety Transfer. VLC may advocate for the transfer or re-assignment, temporary or permanent, of any party eligible for such transfer under the applicable regulations when desired by their client.

7-8. Military Justice Representation

a. Generally. Military Justice advocacy on behalf of the victim is not limited to courts-martial. VLC should be aware of potential avenues and established rights to assert victim interests and desires throughout the investigation and disciplinary process.

b. Trial Counsel. VLC should prioritize and encourage the building of rapport between the client and the OSTC and/or RLSO trial counsel. VLC will be physically present during victim

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interviews with the trial counsel barring exigent circumstances. Any circumstances that may prevent VLC in-person attendance will be raised to the OIC for determination of viable alternatives, such as, but not limited to, shifting the timing of the interview, virtual attendance, or the attendance of another VLC. The VLC may request a third party attend the interview, such as a paralegal or VLCP support staff.

c. Defense Counsel. VLC's support of an interview by defense counsel should be guided by the client's preference and any strategic basis for providing an interview. VLC will attend any interview between the client and defense counsel. For any such interview, VLC will request a third party be present in the room, so the VLC can prevent being called as a witness. Interrogatories may also be used in lieu of an interview.

d. Pretrial Investigations, Confinement, and Restraint. VLC may represent the interests of clients in pretrial investigations, confinement, and restraint determinations under Rules for Courts-Martial (R.C.M.) 303, 304 and 305. This includes determinations made under command authority or by a military judge.

e. Interviews with Law Enforcement. When desired by the client, VLC should attend law enforcement interviews with the client. Virtual attendance via video conferencing or telephonic means is acceptable when physical presence is not practicable. VLC should not interfere with the investigative process, but will ensure the client is aware of potential consequences, including administrative consequences, for collateral misconduct. VLC are encouraged to discuss any complicating factors with NCIS, other investigators, and trial counsel prior to execution of the interview without specifically implicating the client. VLC should help clients understand the purpose of an interview, identify relevant materials or evidence to disclose, and make the client aware of topics they may wish to avoid discussing in interviews, such as unrelated crimes or their mental health history.

f. Military Protective Orders (MPO). VLC may represent their clients in obtaining or opposing MPOs.

(1) Victims of Domestic Violence. When providing consultation services to a domestic violence victim, VLC may direct the victim to other resources, such as legal assistance, to seek an MPO. VLC can assist the victim in requesting an MPO if they have established an ACR, but it should not be the basis for establishing an ACR under paragraph 6-2, and should not be done in the context of a consultation.

(2) If an ACR is not established between a domestic violence victim and the VLC, and if the legal assistance office cannot assist a domestic violence victim seeking an MPO in a timely manner, a VLC may seek a waiver to provide limited representation under paragraph 5-6 for the purposes of obtaining a MPO.

g. Civilian Restraining and Protective Orders. Requests for assistance in obtaining civilian restraining and protective orders should be referred to a legal assistance office.

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h. Investigation. The VLC will not undertake an independent investigation of the client's allegations. VLC may interview witnesses or seek case documentation to prepare for motions or advocacy at Article 32 hearings or courts-martial, or in conjunction with asserting the client's rights.

i. Victim Notifications. VLC should regularly engage with trial counsel, SJAs, and command services attorneys to help facilitate timely and accurate notification of significant military justice matters, events, decisions, and proceedings to the client.

j. Victim Input to Initial Disposition Authority. VLC may submit matters on behalf of their client to the special trial counsel or the convening authority regarding whether the client believes the offense alleged is a sex-related offense, the client's views as to the disposition of the case, or whether the client prefers the offense be prosecuted by court-martial or in a civilian court with jurisdiction over the offense.

k. Pretrial Advice. VLC may submit matters on behalf of their client to an SJA or special trial counsel for consideration as part of the pretrial advice provided by the SJA to the convening authority or determinations made by special trial counsel under R.C.M. 406.

l. Article 32 Preliminary Hearings. VLC may represent their clients' interests at Article 32 preliminary hearings governed by R.C.M. 405, as necessary under the circumstances and as authorized by case law. This includes proceedings where the client declines to testify. Under references (e) and (s), victims have standing to be heard at Article 32 preliminary hearings. Trial counsel or VLC may request a closed session of the Article 32 when M.R.E. 412 matters are being discussed. VLC may consider asking the special trial counsel or convening authority to place reasonable guidelines on the client's testimony during an Article 32; including a 10-minute break every hour, limiting victim testimony to no more than six hours each day, or ensuring the Preliminary Hearing Officer halts the proceeding at any point in which the victim is no longer able to provide probative evidence.

m. Immunity. VLC may negotiate for grants of immunity from military authorities on behalf of their clients, unless a detailed defense counsel has been assigned to the client.

n. Trial and Witness Preparation. VLC may assist the client in understanding likely questions to be asked by trial and defense counsel, and the reasons for asking such questions. While VLC may participate in witness preparation, trial counsel has the responsibility for preparing victims for testimony. VLC should ensure victims have the opportunity to familiarize themselves with the court's location, setting, procedures, and transit to and from the court location. VLC will not directly assist the Government in trial strategy, beyond supporting the victim in their decisions, intentions, and participation. The VLC's purpose is to serve the expressed interests of the client.

o. Trial Advocacy. VLC may represent their clients' interests in the privileges and protections afforded by Military Rules of Evidence, Rules for Courts-Martial, and their rights under Article 6b of reference (e). VLC may, to the extent permitted by the court or established case law, file motions, affidavits, and responses; call and examine witnesses; present evidence;

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cross-examine witnesses; present argument; petition for writs of mandamus; and perform any other lawful, ethical action to represent their clients' interest.

p. Testimonial Misconduct by the Victim. A client's commission of misconduct affecting the military justice process, such as perjury or obstruction of justice, will not be considered minor misconduct. The victim will be referred to a non-conflicted defense counsel and any such instance will be immediately reported to Chief VLCP via the VLC's supervisory chain.

7-9. Post-Trial Matters. VLC may continue to represent the client's interests after the court-martial. This representation may include letters or "victim impact statements" concerning action on findings, approval of the sentence, enforcement of any restitution ordered by the court or convening authority, violation of any MPO, client input on clemency matters, and administrative matters such as pay, transfer, or medical issues, or other representation as appropriate. VLC should make routine inquiries to cognizant entities and keep their clients apprised of the progress of post-trial processing.

7-10. Appellate Practice

a. VLCP Appellate Team. Chief VLCP will appoint individual VLC to be VLCP Appellate Team members under the guidance of the SPAA, including an Appellate Team Lead. Appellate Team members will be specifically trained for appellate practice. Training may consist of attendance at the annual Joint Appellate Advocacy Training, relevant courses sponsored by Naval Justice School or other Service schools, specific training with OJAG Code 46, as well as with other entities, as deemed appropriate by Chief VLCP. The Appellate Team will be charged with training all VLC on issue-spotting at trial, and will be available to support during motions and courts-martial if a VLC requires consultation on issues or assistance with filing a writ of mandamus. Appellate Team members are also responsible for advising clients with post-trial appellate questions and potentially representing clients in exercising post-trial appellate rights. If a field VLC receives a request for post-trial appellate VLC services, that request will be routed to the Appellate Team Lead and the SPAA to enable the efficient assignment of an Appellate Team member. The SPAA and the Appellate Team Lead will work together to assign an Appellate Team member to take the lead on any post-trial appellate case. The SPAA may take lead on cases, as appropriate. All VLC will be advised of Appellate Team member contact information to enable efficient assistance when appellate matters arise.

b. Appellate Issues at Court-Martial. Under § 806(c) of reference (e), VLC may file petitions for extraordinary relief in the form of a writ of mandamus with the appellate courts where necessary to protect their clients' rights. The client's VLC is responsible for these filings, however, the VLC will notify the Appellate Team Lead of appellate issues as they arise and work with the Appellate Team to identify issues and complete filings. The SPAA or Appellate Team Lead will notify Deputy Chief VLCP of all ongoing VLC appellate activity.

c. Post-Trial Notice and Appellate Issues. Following a finding of guilty at court-martial, clients will be notified by trial counsel of their post-trial and appellate rights. This includes the right to be notified of pertinent milestones during the convicted offender's direct appeal of the guilty finding. Trial counsel is obligated to provide this post-trial notification to victims.

However, when a VLC represents the client, the VLC should verify that post-trial and appellate notifications are completed and follow-up with the client to ensure a full understanding of post-trial and appellate rights. During the explanation of a victim's post-trial and appellate rights, VLC should advise clients that if they elected to receive notification, they will be notified by a representative of the Navy-Marine Corps Appellate Review Activity of pertinent milestones during direct appeal of their case and may be entitled to further VLC services to explain the appellate process generally and their case specifically at that time. At the termination of representation at the conclusion of a court-martial case where there has been a guilty finding, clients should be advised that they may not be entitled to post-trial appellate advice or representation by their original trial VLC given the appellate review timeline. If an eligible client has a right to be heard as part of the post-trial appellate process, a VLC, usually assigned from the Appellate Team, may represent the client on those matters and utilize VLCP appellate resources and subject matter experts to assist in the representation. If any VLC identifies a potential appellate issue during trial or the post-trial appellate process, they should immediately contact the VLCP Appellate Team Lead and SPAA for support and assistance.

7-11. Article 15 Matters. VLC may assist their clients with matters related to Article 15 of reference (e) when the client's report of a qualifying offense forms the basis for NJP. As detailed in paragraph 7-5, VLC may also assist clients when their alleged collateral misconduct forms the basis for NJP.

7-12. Administrative Hearings. VLC may assist their clients in administrative hearings within the Navy. This includes Administrative Separation Boards and Boards of Inquiry when the client's report of a qualifying offense forms the basis for the separation board. As outlined in paragraph 7-5, when the client's alleged collateral misconduct forms the basis for separation board, VLC will refer the client to the Defense Service Office (DSO) for defense counsel services.

7-13. Disability Evaluation System. Where an eligible victim is being processed within the Disability Evaluation System (DES) and the report of sexual offense is contained in their medical record, or the client's commanding officer is asking for information that would reveal the sexual offense report, or any other issue regarding the offense is implicated in the DES process, VLC may assist to protect their rights, including working with the DES attorney assigned to the case. VLC will not, however, represent victims within the DES process or at any medical boards.

7-14. Complaints. Under reference (l), VLC may assist clients with complaints against the Government pertaining to their eligible offense, including under Article 138 of reference (e), under Article 1150 of the U.S. Navy Regulations, to the Inspector General, or to members of Congress. VLC may advise clients whether or not to make a complaint, how the complaint process works, and assist with drafting a complaint. However, VLC may not file complaints on behalf of their clients.

7-15. Interaction with Civilian Authorities. Under limited circumstances and with OIC approval, VLC may liaise with civilian prosecutors on behalf of a client with a case pending in civilian criminal court and may accompany clients to civilian criminal court hearings. If attending civilian court hearings, VLC will not wear their military uniform or make any representations to

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the court on behalf of the client. In addition, OCONUS VLC should be cognizant of host nation culture and processes. Generally, VLC will not accompany clients to civil court hearings except under limited circumstances and with approval of Deputy Chief VLCP or OPSO via the OIC. VLC will take no action which might be construed as representing the client in civilian matters. If there is a civilian investigation, the VLC may assist the client in obtaining the status of the investigation and attend the client's interview by civilian law enforcement as allowed by the investigating agency as well as liaise with civilian prosecutors, as necessary and appropriate.

7-16. Contact with Media. Generally, VLC may not communicate with the media on behalf of a client. If a VLC deems such communication appropriate or desired by the client, the VLC must consult with the OIC and Deputy Chief VLCP or OPSO and have Chief VLCP approval prior to any media communications.

7-17. Advocacy for Counseling and Treatment. VLC and paralegals may assist clients in obtaining counseling or treatment. VLC and paralegals should be clear with clients that they are not licensed professional mental health counselors or otherwise certified to provide clinical therapeutic services. When necessary, VLC and paralegals may work with clients to ensure they know how to obtain and use referrals to competent mental health or other health services.

7-18. Cooperation with other Victim Support Providers. VLC and paralegals should cooperate with other victim support providers including legal assistance attorneys, SARCs, VAs, FAP providers, victim/witness liaisons, medical healthcare providers, chaplains, law enforcement, and trial counsel. VLC and paralegals will be careful not to reveal confidential client information to unauthorized individuals without prior consent from the client or prospective client.

a. The SARC-VA/VLC Relationship. SARCs and VAs are the main coordinators for non-legal sexual assault victim support services onboard military installations. SARCs will often notify VLC or a paralegal when a prospective client is requesting VLCP services. If the prospective client chooses to form an ACR with the VLC, upon consent of the client, the VLC should notify the SARC that such a relationship has been created. The SARC and/or VA should serve as primary contacts for ensuring medical care and counseling services for the client while the VLC focuses on legal support and advocacy. VLC may advocate for the client, in cooperation with the SARC or VA, when appropriate services are not being provided to a client. The SARC and VA have responsibilities not only to the client, but also to the installation or regional Commanding Officer and should receive legal advice from the appropriate SJA or RLSO Command Services attorney, not the VLC. VLC or paralegals may participate in the SACMG when the interests of their individual clients are under review by that group. VLC or paralegals may participate in the SACMG via phone or other remote means if unable to attend in person. In remote locations without enlisted or civilian administrative support, the SARC may confirm the DoD identification card eligibility and gather intake information to assist in determining any conflict of interest with the local VLC. If a conflict of interest exists with the local VLC, the VLC may arrange for a VLC in an alternate location through the OIC.

b. The FAP/VLC Relationship. While adult sexual assault victims are supported by SARCs and Sexual Assault Prevent and Response (SAPR) VAs, victims of domestic violence or sexual offenses committed by a spouse, intimate partner, or immediate family member, including minor

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victims, are supported by FAP, its providers, and counselors. The relationship between FAP personnel and VLC and paralegals should be similar to that between SARCs, SAPR VAs, and VLC and paralegals. VLC and paralegals should cooperate and coordinate with FAP providers to ensure appropriate support and protection of the client's interests. Any eligible victim of a sexual offense will be provided VLCP services regardless of whether they are referred through the SARC or FAP. In as much as FAP processes and record-keeping are not guaranteed to be confidential or private, VLC are obligated to advise clients of these risks so that the client may make informed decisions about participation in FAP processes and services.

c. Victim Witness Assistance Program (VWAP). The VLCP has no authority or responsibility with regard to the VWAP program (reference (t)). However, VLC should be versed in the VWAP program and its administration to ensure clients receive appropriate VWAP notifications and advisements consistent with victim's rights. VLC may communicate with the VWAP Liaison, in addition to the SJA or command services attorney and trial counsel, to obtain information regarding a case and to provide notification of the client's concerns.

7-19. Collaboration with RLSOs & DSOs

a. Generally. VLC should be aware of local legal assistance and defense services provided by RLSO and the DSO. VLC should refer their clients to those services when required by circumstances or advantageous to the client. Similarly, VLC should ensure local RLSOs and DSOs have their contact information to best facilitate communication on shared cases.

b. Collateral Misconduct. VLC may assist clients with collateral misconduct so long as the misconduct is related to their report of an eligible offense, to include if clients are suspected of making a false statement in connection with the reported offense. If, through communications with the client, the VLC or client believes the client may have committed collateral misconduct, the VLC may provide limited consultation and legal advice regarding that alleged misconduct, including representation and advice for matters involving NJP under reference (e). VLC may explain the potential consequences of the alleged collateral misconduct and what, if any, disciplinary or administrative action could be taken against the client. With the victim's permission, the VLC may also advocate to military authorities on the client's behalf regarding the alleged collateral misconduct.

(1) If the misconduct rises to a level of severity resulting in an administrative separation board, board of inquiry, or courts-martial processing, the VLC will refer the client to an appropriate DSO.

(2) If, through communications, the VLC or client believes that the client may have committed misconduct unrelated to their reported offense, whether known to the client's command or not, the VLC will refer the client to an appropriate DSO. The VLC will not participate in defense services for victim misconduct unrelated to a qualifying offense, but any conversations between the VLC and the victim regarding that misconduct will remain confidential.

c. Personal Civil Legal Affairs. VLC may provide basic legal assistance services to clients that are directly connected to a reported offense, including notarizations, transitional compensation, and basic powers of attorney. This may include simple special powers of attorney related to temporary childcare, transit or relocation of the client, or the client's own financial matters. Legal assistance support for clients in more substantive matters involving estate planning, family law, consumer law, landlord-tenant matters, or any other similar area should be referred to a RLSO or other military service's legal assistance attorney.

7-20. Discretion to Limit Services. Where a VLC believes they are unable to provide adequate representation to an eligible client, the VLC will notify their supervisory chain for further guidance.

8. Operational Standards

8-1. Case Management and Tracking. VLC and respective OICs will ensure all subordinate attorneys and support staff properly utilize any prescribed case-tracking system per established business rules to record VLCP services. VLC are responsible for ensuring support staff are adequately trained to input client intake data into the selected case-tracking system. More information is provided in paragraph 13-16.

8-2. Correspondence. VLC and support staff will prepare all official correspondence per the Uniform Rules of Court, Local Rules of Court, reference (q), and the provisions of this Manual. VLC preparing officer FITREPs or enlisted EVALs will refer to paragraph 13-10 and reference (u).

8-3. Professional Consultations. Unless a prospective client or client has expressly requested information remain confidential to a particular attorney or attorneys, or in cases where another attorney has an actual or apparent conflict of interest, VLC may communicate on matters of substantive law as well as procedural law among themselves, with support staff, and with their supervisory chain. See Rule 1.6 of reference (f). VLC are advised not to reveal the identity of the client to fellow counsel, unless required to do so for professional assistance and guidance.

a. Sharing Information about VLCP Appointments. Information concerning a client's appointments or meetings with a VLC or VLCP staff will not be disclosed to anyone, including a service member's own chain of command, without the express informed consent of the client or without a legal exception to the rules of confidentiality. This includes confirmation of the appointment itself.

b. Client Requests for Restricted Information Sharing. In any situation where a client requests limited information sharing, the servicing VLC will take all appropriate measures to shield client confidences and privileged information.

c. Communications with Third Parties

(1) Unless a prospective client or client has otherwise requested limited information sharing or has made a restricted report, VLC may communicate with third parties, including persons and organizations within DON, on behalf of their clients, as well as with opposing parties subject to the constraints of reference (f).

(2) When communicating with third parties, whether in writing or orally, VLC should clearly state they are advocating on behalf of their client.

(3) VLC may not use, or threaten to use, their official positions for the improper benefit of clients. Such actions violate references (v) and (w).

d. Methods of Communication. In addition to telephone and regular mail, government email, facsimile transmissions, use of the duty mobile phone to text, call, and FaceTime (or similar video conferencing) are all authorized methods of attorney-client communication provided the confidentiality of communications are maintained. VLC and support staff may also

communicate with clients via virtual or remote platforms, when such communication methods are deemed essential for zealous or expedient representation of the client's interests. VLC will use official means, such as their duty phone or official email, to communicate with clients, and they may not use personal phone numbers, including Google Voice, or email addresses.

8-4. Screening System for Potential Clients

a. Each VLCP region will maintain a conflicts screening system to verify eligibility for VLCP services and minimize the potential for conflicts of interest among clients. This process may involve authorized web-based screening through a case-management system as well as a regional tracking process. Each OIC will be responsible for maintaining a master conflict log for the region, and each VLC will maintain a personal conflict log containing the names of all current and past VLCP clients. VLC will review these lists for potential conflict before forming an ACR with a new client. Screening methods will protect PII.

b. During client in-take, VLC will ensure they receive the information outlined in standardized client intake procedures. VLCP personnel will utilize relevant form as provided pursuant to paragraph 8-8.

c. All VLC and support staff will be trained to identify potential conflicts of interest with the basic understanding that a VLC will not knowingly undertake to represent a client whose interest in a particular matter is materially adverse to that of a current or former client of that VLC, or if there is a significant risk that representation will be materially limited as defined in reference (f). VLC assigned to the same geographic region may provide services to conflicted clients but will not discuss case details or confidential communications with each other regarding those conflicted clients. VLC should seek substantive and professional guidance from a senior VLC, such as an OIC from another region, Deputy Chief VLCP, SPAA, or OPSO if a conflict prevents consultation with a direct supervisor. See section 9 of this Manual for further guidance on conflict screening and referral.

8-5. Provision of Remote Services. Given the geographic range of potential clients and the placement of VLC at established fleet locations, VLCP services may be provided via remote means, including use of email, telephone, or duty cellular phones allowing texting and video conferencing to meet mission requirements. However, no VLCP services will be performed without first verifying client eligibility as set forth in this Manual. Additionally, VLC will take all measures necessary to preserve the confidentiality of client communications when contacting clients via remote means.

a. In-person requirement. Where an active-duty Navy victim is located on an installation where no Navy VLC is stationed or available, Section 542(a) of reference (n) requires VLC be made available at the victim's request within 72 hours absent exigent circumstances. Where no Navy VLC is available to provide initial consultation to a Navy victim within 72 hours, a Navy VLC will contact the victim via remote means (telephone, e-mail, text, or video conferencing). During this initial contact, the victim will be offered immediate remote advice and consultation. If the victim prefers remote advice and consultation in lieu of face-to-face consultation, this is a presumed waiver and the VLC will document the waiver in the client file. If a victim prefers in-

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person consultation in a location where no Navy VLC is immediately available, by agreement between the services, a non-Navy victims' counsel may provide the initial consultation for the Navy victim, if the non-Navy victims' counsel is available within 72 hours. Once the initial consultation is conducted, the non-Navy victims' counsel will coordinate with the nearest Navy VLC office to transfer the client to an available Navy VLC, or follow procedures for permanent non-Navy VLC representation as outlined in paragraph 5-4. OICs will work to coordinate this cross-service effort both on a case-by-case basis, but also through proactive coordination with other Service victims' counsel offices throughout the AOR. If there is not non-Navy victims' counsel available to provide an initial consultation where a Navy victim has requested in-person consultation, the VLC should request travel under the procedures outlined in paragraph 13-15.

8-6. VLCP Records and Files

a. Official Records. In general, VLC will maintain only those official records and files essential to the operation of their services and offices or as required by statute. Otherwise, all records maintained relating to specific clients and their cases are considered confidential and are considered client files belonging to the individual VLC pursuant to established professional responsibility rules pursuant to reference (f).

b. Sensitive Information. In order to perform their official duties advising and representing clients pursuant to references (o), (l), (n), and (x), VLC and supporting staff will often need to review records within the control of the government, including controlled unclassified information (CUI) records, to assist in the performance of their official duties. VLC and supporting staff receiving these records have a duty to protect said records from unauthorized access or release. VLC may discuss relevant information contained in released documents with their client to help the client understand the potential outcome of the trial or other proceeding, make case related decisions, or otherwise assist the VLC in performing their duties as they relate to the client. A VLC will not release any documents to their client, individuals outside of the DoD, or share the documents with other DoD personnel except for those authorized, without the express, written approval of the releasing office.

c. Court Pleadings, Filings, and Other Court Documents. VLC may represent clients' legal interests in any UCMJ or administrative proceeding and will receive copies of pleadings, motions, and other documents relating to those matters within a timely manner as CUI.

d. Client Intake Files. Each VLCP region will maintain records reflecting client contact information and the general nature of the assistance or service provided, as well as the identity of the service provider and whether the provider was an attorney or a non-attorney staff member. These records may be used to contact current and former clients concerning assistance provided, to avoid conflicts of interest, and to develop statistical data on services rendered. Nothing in this section prohibits an attorney from maintaining their own personal log of clients and opposing parties as long as the attorney doing so ensures there is no PII vulnerability in maintaining that log.

(1) Intake Information. Intake information may contain private and protected client data that will not be accessible to the public or to other persons within the VLCP office except as

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permitted by the Privacy Act and paragraph 8-2. This section does not prohibit the sharing of intake information for the purposes of internal program productivity evaluations or as required for mentoring.

(2) No Privileged Information. To avoid improper release of attorney-client privileged information gained during representation, VLC and staff will not place confidential information on a physical intake sheet.

(3) Retention Period. Physical intake forms, if used, will be retained by the VLC per references (i) and (q). If matters addressed in a particular intake form remain in dispute, or where further activity in the matter is foreseeable, the physical copy may be retained indefinitely. Nothing in this section prohibits the servicing VLC from retaining a copy of the intake form as part of their own client files. When the VLC retains a copy of the intake sheet as part of their client file, the attorney will prominently mark the word "COPY" on that sheet and all pages of the attorney's non-office file so it is clear these records are not part of the official Navy or Judge Advocate General's Corps case files. VLC should refer to their local bar rules regarding the retention of client files.

(4) VLC Personal Case Files. VLC personal case files consist of the servicing attorney's private and confidential case records. These files contain personal information about clients and their legal matters. This information is private, privileged, and confidential under federal law and applicable rules of professional conduct. VLC personal case files may contain photocopies of original documents provided to the attorney by the client; attorney notes made during client consultations; research memoranda; and a wide variety of other documents pertaining to the handling of the case and the case outcome. VLC and support staff will take all steps necessary to protect the VLC's personal case files, client confidences, and privileged information, such as securing all case files in locked drawers and behind locked doors.

(a) Access to VLC personal case files and information regarding consultation is normally restricted to the servicing attorney, support staff under the supervision of that attorney and, upon request, the supervisors of that attorney. Access by supervisors may be denied when disclosure would implicate a conflict of interest or violate applicable rules of professional conduct, as outlined in section 9.

(c) Upon closing a case or terminating representation of a client, all documents belonging to the client, or to which the client is entitled, will be promptly returned to the client if the client so desires. Upon request, VLC will return all original documents to clients. VLC may retain copies of papers relating to the representation in the VLC's personal case file. Physical case files of former clients will be retained in a locked drawer or behind a locked door by the servicing VLC for at least two years after the completion of services and as long as required by that attorney's licensing authority.

(d) In instances where there is an internal conflict of interest, the servicing attorney will take all reasonable measures to ensure privileged and confidential client information contained in a case file is secured and protected from disclosure to other parties. These internal "firewalls" will be maintained as long as the conflict exists. As noted in paragraph 8-2 in

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instances where a client has directed limited disclosure of information, such as a restricted report, that election will be respected and relevant information will be protected from disclosure. The client will be provided access to the case file and original documents contained therein per applicable ethical rules and the Privacy Act.

8-7. Equipment and Software. VLC and support staff will use government equipment and software as provided. Use of non-government equipment and software is prohibited without a waiver, to ensure maximum safeguard of confidential information.

8-8. Mandatory Use of Standardized Forms. Chief VLCP will develop and maintain standardized forms and practices to streamline VLCP services, leverage best practices, and ensure client satisfaction. Chief VLCP will promulgate standardized products for mandatory use via Microsoft Teams or other shared platform. VLC and support staff will utilize these forms without modification or alteration in the execution of their assigned duties unless there is a compelling reason to deviate. VLC who make such modifications to standardized forms will notify their OIC as soon as practicable. Input and recommendations for modification of standardized products may be submitted to the VLCP supervisory chain via the OIC.

9. Conflicts of Interest and Professional Responsibility

9-1. General Rule. A VLC will not knowingly undertake to represent a client whose interest in a particular matter is the same or is substantially related to or materially adverse to that of a current or former client. For VLCP purposes, this may occur when both an offender and victim counter-claim they were victims of the actions of the other. When representation of a current or prospective client is determined to be a direct conflict, the excluded party will be referred to another VLC under paragraph 9-5. Under no circumstances will one VLC represent opposing parties in the same matter. Under Rule 1.7(c) of reference (f), attorneys may represent conflicting clients when:

- a. the covered attorney reasonably believes that he or she will be able to provide competent and diligent representation to each affected client;
- b. the representation is not prohibited by law or regulation;
- c. the representation does not involve the assertion of a claim by one client against another client represented by the covered attorney in the same litigation or other proceeding before a tribunal; and,
- d. each affected client gives informed consent, confirmed in writing.

9-2. Duration of the Attorney-Client Relationship. ACRs within the VLCP are status-based, and may extend for as long as a client is eligible and requires legal services. Unless the ACR has been terminated under paragraph 6-5, VLC should continue to provide legal services related to the client's qualifying offense as long as those services are reasonably needed by the victim, including appellate support when relevant. Whether or not the ACR has ended, the attorney and support staff will protect all confidential and privileged client information from disclosure.

9-3. Duty to Former Clients. VLC will determine whether the interests of a former client intersect in a material way with those of a prospective client. Under Rule 1.9 of reference (f), potential conflicts of interest between a former client and current or prospective client will be carefully reviewed before undertaking representation of the prospective client. The rule prohibits a lawyer from representing a new client in a case that is materially adverse to the interests of a former client unless that former client gives written consent. Even when the VLC receives written consent, VLC will be aware of remaining ethical duties to a former client and not use information obtained from the former client to their disadvantage.

9-4. Conflict Screening. As outlined in paragraph 8-4, VLC will maintain effective conflict screening procedures and ensure instances involving a conflict of interest under reference (f) are accordingly referred to other VLC.

9-5. Conflict of Interest Avoidance and Referrals

- a. VLC will not knowingly represent a client whose interests are substantially related to or materially adverse to that of a current or former client. Attorneys should take early, decisive

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action to avoid conflicts of interest to ensure independent representation for all. The appearance of a conflict of interest may be enough to warrant referral to another counsel as outlined under this section.

b. When a conflict of interest exists, VLC will refer the conflicted party to an alternate VLC. Alternate VLC may render assistance via remote means, including the telephone, email, or web-based communications per paragraph 8-2. In consultation with the OIC referrals may be directed to:

- (1) Another VLC assigned to their region;
- (2) A VLC assigned to another region falling under a different OIC; or
- (3) Another military service's victims' counsel, after coordinating a request through Deputy Chief VLCP.

c. VLC should immediately contact Deputy Chief VLCP, OPSO, or SPAA when no referral is available or appropriate.

d. If a VLC providing assistance to a conflicted party requires substantive guidance, that VLC should not consult the same supervisory attorney or subject matter expert consulted by the attorney assisting the conflicted party. Alternate sources of guidance may be sought via VLCP leadership.

e. VLC should coordinate with other military service victims' counsel within their AORs to facilitate collaborative professional relationships. Where a referral of a conflicted client or any victim desiring a victims' counsel from a service other than their own is concerned, requests will be forwarded to Deputy Chief VLCP for coordination with other service victims' counsel programs pursuant to paragraph 8-5.

9-6. Referrals to Private Sector Agencies or Attorneys. VLC should not normally make referrals to outside agencies or attorneys. If circumstances suggest referral is in the best interest of the client, VLC will request authorization from Chief VLCP via the supervisory chain prior to any referral. Due care will be taken to avoid endorsement of any particular attorney or firm.

10. Case or Client Transfer

10-1. Transfer of Case at Client's Request. Clients may request a transfer of their case from one VLC to another. Before routing such transfer requests to VLCP leadership, OICs should consider if it is otherwise possible to resolve the issues that led to the request. Requests for transfers may be granted where the transfer will not cause conflicts of interest or material challenges in representing the victim. When a transfer occurs, the initial VLC will make contact with the new VLC, provide a copy of the client's case file, and advise the new VLC of any pending hearing dates, case deadlines, or other key issues.

10-2. Transfer of Client. When a client transfers to another duty station before the completion of legal representation in their case, the client may retain the current VLC or request a new VLC at the new duty location. If the client requests to transfer, the previous VLC should ensure transfer of all case files and information to the new VLC in the new location. Once case transfer is complete, the prior VLC will formally terminate representation of the victim. In cases where a client is temporarily assigned to an alternate duty location, for example while on Temporary Additional Duty/Temporary Duty, deployed, or in a transit status, a victim may seek, through their assigned VLC, temporary assistance from a local VLC to provide immediate legal support in that local area, including attendance at law enforcement interviews, advocacy with the client's command, advocacy for medical or counseling services, and other advocacy to preserve the client's immediate safety, health, and welfare when the assigned VLC cannot adequately perform these functions remotely. A local VLC's involvement will be limited and terminate with the client's departure, return to permanent duty station or homeport where the client may seek a new permanent VLC or continue with the original VLC for continued representation.

10-3. Discharge of Client. When a client is discharged from military service or otherwise loses eligibility status, VLC representation is normally terminated, the case file is closed, and case documents are returned to the victim. If legal representation is not concluded by the time of the client's discharge or loss of eligibility status, VLC should seek a waiver under paragraph 5-6 to continue representation despite the change in status.

11. Minor and Diminished Capacity Victims

11-1. Applicability. These rules apply to the legal representation of minors and persons with diminished capacity. All VLC will adhere to these rules in the formation of any ACR with minor or diminished capacity clients. VLC will not serve as Article 6(c) Designees and should consult with VLCP leadership if requested to act in that capacity.

11-2. Representation. VLC have an ethical obligation to advocate for their client's expressed interests. Under Rule 1.14 of reference (f), when a client's capacity is diminished due to age or other reason, VLC should, if reasonably possible, maintain a normal ACR with the client. This requirement means VLC will assess each client's capacity separately and continually to determine if a particular client has the considered judgment and capacity to direct VLC services. If the VLC determines that a minor or diminished capacity client has sufficient considered judgment and capacity to direct VLC services, that client may retain a VLC in a traditional ACR. However, if VLC determines the client lacks capacity to direct representation and there is no appropriate representative available, VLC may request an Article 6b or other suitable representative to be appointed to direct representation.

11-3. Intake. All minor and suspected diminished capacity clients should be contacted directly and interviewed by a VLC to determine the client's wishes and assess the client's well-being and capacity to direct their legal representation. It is critical for the VLC to observe the client and the client's interactions with others, such as parents, guardians, other attorneys, FAP personnel, counselors, and law enforcement, and assess the severity of any injuries, the client's general health and condition, and the client's mental acuity and ability to listen, understand, reason, and make decisions. VLC should personally meet and communicate with any client old enough or capable of communicating on one or more occasions to allow the VLC to assess the client's capacity to direct the VLC's representation.

a. Determining whether a minor or diminished capacity client has considered judgment and the capacity to direct representation is of paramount importance. VLC will devote sufficient time and attention to make an accurate assessment of such matters, both initially and throughout representation of the client.

b. To determine whether the client has considered judgment and the capacity to direct their legal representation, VLC should focus on the client's decision-making process, rather than the client's actual decision. VLC should determine whether the client understands the risks and benefits of the client's legal position and whether the client can reasonably communicate the client's wishes. VLC will utilize a Child Competency Assessment Worksheet, as promulgated under paragraph 8-8, in making this determination during the initial and subsequent consultations, as appropriate. A copy of this form will be maintained in the client's case file. VLC should consider the following non-exhaustive list of factors, as available or as documented by a qualified professional, when determining whether a client has considered judgment and sufficient capacity to direct the representation:

- (1) the client's chronological and intellectual age;
- (2) the client's developmental stage;

- (3) the client's cognitive ability;
- (4) the client's socialization;
- (5) the client's emotional and mental development;
- (6) the client's expression of a relevant position;
- (7) the client's ability to communicate with the VLC;
- (8) the client's ability to articulate reasons for a legal position; and

(9) the client's relevant and available personal records such as reports from social workers, psychiatrists, or psychologists, school reports or records, and other reports relating to the client's capacity or intellectual development.

c. A client may be capable of considered judgment even though the client has a significant cognitive or emotional disability.

d. VLC should be sensitive to cultural, racial, ethnic, or economic differences between the VLC and the client as such differences may inappropriately influence the VLC's assessment of whether the client has considered judgment.

e. VLC, while in uniform or in civilian clothes, should meet the client, regardless of the client's age or disability, in an environment that will facilitate reasonable attorney-client communications. VLC are encouraged to meet with the client in different environments, which may include the client's school or home or other location, when reasonable and necessary so that VLC may establish a relationship with the client and accurately assess the client's capacity and considered judgment.

f. In making a determination regarding considered judgment, VLC may seek guidance from professionals, family members, school officials, and other concerned persons. VLC should also determine if any evaluations are needed and advocate for them when appropriate. At all times, VLC will recognize the attorney-client privilege and maintain confidentiality with the client.

g. When determining whether a minor or diminished capacity client possesses considered judgment and capacity to direct some, any, or all aspects of VLC representation, VLC will follow the guidance contained in Rule 1.14 of reference (f). When a client's capacity is diminished due to age or other reason, the VLC will, if reasonably possible, maintain a normal ACR with the client. A minor or diminished capacity client's inability to provide considered judgment or a lack of capacity to direct VLC on one or more matters during the course of the victim's representation does not automatically mean that the victim is unable or lacks the capacity to direct VLC on other matters. Accordingly, VLC should carefully consider whether the minor or diminished capacity client lacks the considered judgment and capacity to direct some aspects of the VLC's representation, or whether they lack the capacity to direct all aspects of the representation.

11-4. Capacity for Representation. When the VLC determines the client has the considered judgment and capacity to direct the representation, the VLC will explain and have the client execute a Minor Scope of Representation Letter, as promulgated under paragraph 8-8. Both the client and VLC should retain a copy of the signed letter. VLC should seek the non-offending parent or guardian's signature as an acknowledgement on the letter and retain a copy of that acknowledgement in the client case file. If the VLC is unable to secure the non-offending parent or guardian's signature, the VLC should note on the letter the date and to whom the acknowledgment was offered and retain a copy in the client file.

11-5. Diminished Capacity. When the VLC determines the client does not possess the considered judgment and capacity to direct any aspect of the representation, the VLC will consult with the client's non-offending parent or guardian to determine if they desire to retain the VLC to provide victim services for the client. If the non-offending parent or guardian desires to retain the VLC, the VLC will explain and have the non-offending parent or guardian execute a Parent/Guardian Scope of Representation Letter, as promulgated under paragraph 8-8. The letter provided will plainly explain that while the non-offending parent or guardian is authorizing the representation, the minor or diminished capacity victim is the client in all instances. While the VLC may seek input from the non-offending parent or guardian, final legal decisions rest with the VLC. The only person other than the client who may direct VLC legal services for minor or diminished capacity victims is a court appointed legal guardian as defined above. The non-offending parent or guardian who retained the VLC for the minor or diminished capacity victim should be provided and retain a copy of the signed Scope of Representation Letter, as should the VLC.

11-6. General Guidelines. When representing all minor or diminished capacity victims:

a. Routine contact and access to the client is critical to effective representation. When face-to-face contact with a client is not reasonably possible or is otherwise not necessary, VLC will still seek meaningful contact with the client utilizing other means. These situations may include:

(1) when the client is located in a remote area; and

(2) the client is of a sufficient chronological or developmental age to permit the VLC to remotely assess and establish an ACR.

b. VLC should have face-to-face contact with the client as early as possible in the relationship and prior to any court proceeding where the client's rights are in issue. Contact should include, at a minimum, regular telephonic communications, including FaceTime or other available video conferencing, as well as in person and written communications as appropriate. While the cooperation and support of the competent client's non-offending parent or guardian may not always be necessary, it should be sought, with the client's consent, to facilitate access to the client and the client's relevant records.

c. VLC will be vigilant in continually assessing the client's capacity to direct the VLC's legal representation throughout the term of the relationship.

d. VLC will communicate with the client using developmentally appropriate language and communication methods, and will assess at regular, frequent intervals the client's comprehension, thought processing, and ability to provide reasoned, coherent, thoughtful direction to the VLC.

e. VLC should develop a position and strategy concerning relevant aspects of proceedings that may potentially impact the client's rights.

(1) When developing the client's legal position, VLC should ensure the client is provided advice, guidance, and all information necessary to make an informed decision.

(2) VLC should give the client time to ask questions and consider any alternatives. VLC should obtain information from the client about the following, when appropriate, with due consideration given to concerns regarding re-victimization and facilitating the victim's overall recovery:

- (a) the client's feelings of safety;
 - (c) the client's knowledge about the alleged crime;
 - (d) the accuracy of information relayed to VLC by trial counsel or law enforcement;
 - (e) any additional relevant facts not previously disclosed to trial counsel or law enforcement;
 - (f) services being provided to the victim to assist in recovery;
 - (h) any additional service that may be needed;
 - (i) the client's concerns about the investigation or case;
 - (j) the client's long and short-term goals;
 - (k) whether the client wishes to testify and participate in any criminal proceeding;
- and,
- (l) any other relevant information.

f. VLC should confer with the client as often as necessary after retention to ascertain all relevant facts and necessary information. When the VLC is fully informed on the facts and the law, VLC should advise the client concerning all aspects of their legal representation. VLC should explain to the client in a manner appropriate to the client's level of development what is expected to happen before, during, and after each hearing; and should at reasonably regular intervals provide the client with updates regarding the status of their case.

g. With the client's permission and absent conflicts of interest, the VLC is encouraged to involve the non-offending parent, family members, and other appropriate people in the minor or

diminished capacity victim's life in the representation to the extent the VLC deems reasonable under the circumstances to help facilitate the victim's safety, recovery and participation.

h. Should a VLC question or develop concern regarding the client's competency to direct VLC services on a particular issue or in general, the VLC may discuss such concerns with their supervising attorney. These concerns will be evaluated on a case-by-case basis.

i. VLC may take actions such as consulting with family members, medical or mental health professionals, or other professional services, the FAP multi-disciplinary team or relevant state or civil child development authorities to secure their assistance in rendering a confidential opinion on the client's competency to direct legal services.

j. VLC will recognize that information relating to the representation of a client with diminished capacity is protected as confidential and is generally covered by attorney-client privilege. VLC may disclose confidential client information to third parties to aid the client, as authorized by professional responsibility rules and only to the extent reasonably necessary to protect the client's interests, when a diminished capacity client is at risk of substantial harm, including serious physical, financial, or other harm, and the VLC cannot adequately act in the client's own interest.

11-7. Additional Matters

a. Where possible, VLC will make every effort to escort a minor victim to the courtroom or physical site of the testimony for familiarization prior to testifying. Where VLC are not able to provide this familiarization, they will work with the detailed trial counsel to ensure this occurs.

b. In all cases, VLC should seek the support of the non-offending parent or guardian to contact the relevant victim advocate, therapist, FAP counselor or case worker, clinical social worker, medical provider, school counselor, teacher or other parties related to the case to the extent necessary to provide effective legal representation of the victim, and also to comply with all mandatory minor, elderly, and other abuse reporting requirements.

c. When necessary for legal representation, VLC should request the non-offending parent or guardian sign any release and consent forms required to give the VLC access to the client's counseling, medical, school, and other records relevant to his or her report of offenses.

11-8. When an Article 6b Representative has been Appointed. Under § 1701 of reference (y), once an Article 6b representative has been appointed to promote and preserve the Article 6b rights of a minor or diminished capacity victim, VLC may cooperate with that agent to enforce those rights, subject to the confidentiality, consent, and representation requirements established above.

12. Training

12-1. Policy. Effective VLCP representation requires specialized victim awareness and support training in addition to matters addressed under the normal JAG Corps military justice curriculum.

a. VLC will attend a victims' counsel certification course executed by one of the military services before official certification as a VLC. In-person attendance at a certification course is required unless waived by Chief VLCP in favor of virtual or other training plan. Child victim and domestic violence training—either through one of victims' counsel certification courses or through another training source approved by Chief VLCP—is required for each VLC. That training will be completed before forming an attorney client relationship with a minor client.

b. VLC are trained per reference (m).

c. Training that addresses “vicarious trauma” or “empathy fatigue” is required for each VLC, at a minimum, annually. Every effort will be made to ensure VLC receive this annual training in person, provided by VLCP, RLSO, or another local entity approved by Chief VLCP. However, where in-person training is not practicable for individual VLC, the annual requirement may be satisfied via online training as approved by Chief VLCP.

12-2. Training Objectives. VLC should, at a minimum, be exposed to “in residence” academic course work and practical exercises addressing the legal, psychological, emotional, and administrative challenges facing victims of domestic violence and sexual offenses, whenever possible. Coursework concerning the neurobiology of trauma and specialized training regarding the evaluation and representation of child victims is also required.

12-3. Additional Victim-Focused Training. VLCP personnel should seek additional training and education in all matters related to effective representation of victims of domestic violence and sexual offenses. All personnel are encouraged to locate and attend military and civilian training that will best prepare them to understand, engage, and effectively advocate for all such eligible victims. VLCP personnel will request authorization and travel funding from Chief VLCP via their supervisory chain to complete additional training.

12-4. Other Training Requirements. In addition to the training outlined above, VLCP personnel will complete training requirements as follows:

a. All VLCP personnel will complete mandatory Common Military Training (CMT) and report completion to their local RLSO training authority for accounting and tracking purposes. VLCP personnel may complete CMT or other mandatory DoD, DON, or JAGC training by whatever means is provided or authorized, including use of Navy Knowledge Online, or a similar system. VLCP personnel will participate in all VLCP training events, including web-based sessions, unless otherwise excused.

b. All paralegals assigned to VLC offices will complete the SAPR VA 40-hour training course, as soon as practicable and ideally within six months, after reporting to a VLC office. The

training should be arranged via the local SARC. Given issues of conflict and confidentiality, support staff will not act in the role of an active SAPR VA while assigned to the VLCP.

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13. Personnel and Office Administration

13-1. Policy. The following policies will guide the administration and management of all VLCP personnel and offices. These policies should be implemented in conjunction with reference (z) and other applicable Navy regulations.

13-2. Military Billet Assignment. Under reference (z), VLCP military personnel outside of HQ are administratively assigned to the RLSO locally associated with their duty assignment. Because VLCP is not a command, the assignment to RLSO Unit Identification Codes is solely for administrative maintenance and nominal support of VLCP personnel. Unless required to clarify duties and responsibilities assigned to the VLCP, this instruction does not address any administrative responsibilities assigned by reference (z) to the RLSO or JCAB.

13-3. Newly Assigned Personnel. All personnel newly assigned to the VLCP, including active duty and reserve military members and civilian employees, will be supported by and adhere to standard procedures for newly assigned personnel as outlined in this section.

a. Welcome Aboard. Upon selection as VLC, VLCP HQ will send an initial e-mail message advising of selection and welcoming the candidate to the VLCP. Deputy Chief VLCP will coordinate with each selected VLC for certification training and related travel. OICs will assign a regional VLCP sponsor to all incoming personnel. VLCP sponsors will coordinate with any assigned RLSO sponsors or POCs to assist incoming personnel with onboarding, local information such as housing, and general support leading up to and throughout the PCS process.

b. Check-in Procedures. All newly assigned personnel will be provided the appropriate forms and documentation to complete check-in. OPSO will track projected reporting dates for military personnel, and Deputy Chief VLCP and the Supervisory Paralegal will track projected reporting dates of civilian employees. OICs are responsible for ensuring the smooth and timely completion of the check-in and on-boarding process, both with regard to VLCP requirements as well as general check-in requirements performed through the RLSO for military personnel, and through VLCP HQ staff for civilian employees. Once checked into to the VLCP, new personnel will schedule in-calls with Chief VLCP, Deputy Chief VLCP, OPSO, and the Senior Enlisted Leader.

13-4. VLCP Operations. Chief VLCP will ensure the operations and accountability of all VLCP personnel, including the following measures, to promote good order and effective execution of the VLCP mission.

a. General Accountability and Operations. VLCP office working hours should substantially align with those of local stakeholders, but normally no workday should be shortened to less than 8 hours nor any work week shortened to less than 40 hours. Alternative hours of operation may be required to meet mission demand. VLCP personnel requiring an absence from their duties for reasons other than official travel or training will advise their OIC of the absence as soon as possible to ensure local victims retain access to timely VLCP support.

b. Commander's Critical Information Requirements (CCIRs). In addition to CCIRs required by CNLSC and any other Navy requirements, the following incidents will be reported through

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the VLCP supervisory chain: (a) death or illness/injury requiring hospitalization of immediate family member; (b) death or illness/injury requiring hospitalization of non-immediate family member (e.g. parents, siblings, etc.) when expected to have a negative impact on personal well-being or mission operations; (c) environmental or other regional emergency affecting personal safety of self or immediate family members, mission operations, or personal property (e.g., flooding, wildfires, etc.); (d) environmental or other emergency affecting safety of non-immediate family members expected to have a negative impact on personal well-being or mission operations; (e) death of client or offender; or (f) any other circumstance or incident having a negative impact on mission operations, physical safety, or personal well-being.

c. VLCP Recall Roster. A current VLCP Recall Roster will be maintained to ensure personnel safety and accountability. VLCP HQ will maintain a complete, up-to-date listing of the local addresses, phone numbers, and personal e-mail addresses of all VLCP personnel. Maintenance of this information is necessary to ensure all personnel can be accounted for and contacted in the event of a disaster or emergency.

(1) All VLCP personnel will apprise OPSO or administrative designee of their current recall address, phone numbers, and personal e-mail addresses.

(2) The information in the VLCP Recall Roster is protected PII. Distribution will be strictly controlled to avoid improper disclosure.

d. Navy Family Accountability and Assessment System (NFAAS) Reporting Requirements. VLCP personnel will be accounted for per the local RLSO's NFAAS muster and reporting requirements. All VLCP personnel are responsible for keeping their personal contact and family information up to date in NFAAS. OICs are responsible for confirming a member's and their dependent's physical availability and safety status when requested by VLCP leadership or RLSO.

e. Medical Absence Procedures. VLC and enlisted support staff determined to be Sick In Quarters (SIQ) will report status to their OIC as soon as reasonably possible. Civilian employees will advise their OICs and immediate civilian supervisor of any sick leave required and submit the sick leave request via SLDCADA as soon as practicable.

f. Telework Agreements. All VLC and support staff will execute a situational telework agreement for approval by the OIC per reference (aa) for weather related emergencies, office closures, and other situations where telework serves a compelling Agency need.

13-5. Leave and Liberty

a. Civilian Personnel Leave. VLCP civilian personnel leave will be administered per DON policy and OJAG/CNLSC Human Resources Office (HRO) directives. Civilians will ensure the proper leave request is forwarded to their civilian supervisor for approval in SLDCADA. In addition, civilian paralegals will route email leave requests via their OIC to their immediate civilian supervisor to ensure regional awareness of leave requests.

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b. Military Personnel Leave. Chief VLCP will promulgate leave approval authorities. VLCP military personnel will submit leave requests to their OIC and include a coverage plan for VLC services; depending on the approval level authorized by Chief VLCP, OICs will forward to Deputy Chief VLCP and OPSO with a recommendation for approval or disapproval. Chief VLCP is the only authority who can deny a leave request. Once approved, members should submit their leave request via the Navy Standard Integrated Personnel System (NSIPS) to be processed by the OIC or relevant RLSO under reference (z). Requestors will note "VLCP approval" in any relevant "Remarks" section. For OCONUS Leave, personnel will consult the Foreign Clearance Guide and any CNLSC requirements before requesting leave to any country that is not their place of duty. Any travel requirements, such as training or theater and country clearance will be identified in any leave requests. Regardless of leave approval, military members may not commence out of country leave until all DoD and DON requirements have been met. It is each member's responsibility to thoroughly research and comply with all applicable regulations.

c. Liberty for Military Members. Chief VLCP is the designated approver for all liberty requests by VLCP military personnel. Requests will be forwarded via the requestor's OIC. The OIC should include their recommendation for approval or disapproval and should include the coverage plan for any absent VLC. VLCP normally will follow CNLSC HQ and local RLSO guidance regarding liberty in conjunction with federal holidays.

d. Administrative and Compensatory Time for Civilian Members. The same process and practices will be executed for any civilian administrative and compensatory time, in keeping with OJAG/CNLSC HRO directives.

e. Leave/Liberty Tracker. Once leave or liberty is approved, all VLCP personnel will update the current VLCP Teams (or similar system) calendar and coordinate any necessary office coverage during the absence.

13-6. Physical Readiness. All VLCP military members are personally responsible for attaining and maintaining a condition of physical readiness that will enable them to perform their duties and present a sharp, professional, military appearance.

a. Fitness should be accomplished through regular participation in a physical readiness and training program, unless temporarily exempted from exercise for medical reasons. VLCP personnel are encouraged to exercise together or with other JAG community or local military personnel to build esprit de corps and morale.

b. Physical readiness testing will be accomplished per Navy regulations and individual performance will be properly documented. Failure to meet prescribed minimum standards will be handled appropriately. Under reference (z), VLCP personnel are accounted for under their local RLSO's Physical Readiness Program. VLCP personnel will participate in RLSO's Physical Fitness Assessment (PFA) cycles, including the Body Composition Assessment and Physical Readiness Test. VLCP members may participate in other RLSO command fitness activities, as VLCP duties allow. An OIC will notify OPSO when any VLC is waived from a component of the PFA.

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13-7. Mental Resiliency. All VLCP members must maintain a condition of mental well-being that will enable them to perform their duties with an appropriate level of care and consideration. VLCP personnel are encouraged to utilize the resources available to them, including, but in no way limited to: peer-to-peer support, grief counseling, talk therapy, etc.

13-8. Uniform Requirements. Navy uniform regulations will be strictly observed by all military personnel assigned to the VLCP. Civilian personnel will wear appropriate business attire. The uniform of the day will be prescribed by the Region. For courts-martial or other formal proceedings, the military judge, senior officer, or the investigating officer will designate the proper uniform. VLC will not wear a military uniform to attend civilian criminal or civil court proceedings.

13-9. Mentoring. While Chief VLCP is responsible for providing mentorship to all VLCP personnel, VLCP officers, enlisted members, and civilians are encouraged to take advantage of and actively participate in all other Navy and JAGC Community mentoring opportunities, which will add to their personal and professional development. This may include communications with the RLSO, DSO or JAG Corps leaders, as well as participation in OJAG/NLSC mentorship programs as appropriate. VLCP personnel are authorized to take part in any Navy-sanctioned mentoring program.

13-10. Officer Fitness Reports, Enlisted Evaluations, and Civilian Performance Appraisals. Accurate and thorough Fitness Reports (FITREPs), Evaluations (EVALs), and Performance Appraisals (PAs) are critical to the effective professional development of individual VLCP personnel and the larger Navy JAGC. Each performance evaluation should carefully and thoughtfully account for the performance, professionalism, progress, and potential of the VLCP member. The following guidance will influence this vital deliberative process.

a. Officer FITREPs and Enlisted EVALs will be prepared and submitted per reference (u). Civilian PAs will be prepared and submitted per NAVY/OJAG/NLSC HRO directives.

b. Under reference (u), Chief VLCP is the Reporting Senior for all VLCP personnel E-6 and above, and OICs are the Reporting Seniors for E-5 and below. Chief VLCP is responsible for submitting all VLCP performance evaluations. Civilian PAs and mid-year progress reviews will be conducted via DPMAP or other approved system by designated civilian and military supervisors. FITREPs, EVALs and PAs will be completed on Active Component and Reserve Component officers, enlisted personnel, and civilian employees permanently assigned for duty to the VLCP; Officer and Enlisted personnel assigned TEMADD to the VLCP; and Reserve Component Officers and Enlisted personnel ordered to the VLCP on Definite Recall or Active Duty for Operational Support (ADOS) for more than 90 days.

c. Performance Evaluation Submissions. All VLCP personnel will participate in the drafting and development of their own performance evaluation by submitting a detailed list of professional accomplishments, program engagement, personal career goals, and other qualitative or quantitative data relevant to execution of their VLCP duties, as requested by supervisors. For military personnel, OICs will collect and comment on these submissions before the established deadline for transmission of draft evaluations to OPSO for additional review and comment. For civilian personnel, OICs will have an opportunity to provide input on those employees serving in

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their region. OPSO and Deputy Chief VLCP will assist Chief VLCP in the processing of all performance evaluations except their own, supplying only raw data if included in any reporting group with any other VLCP personnel.

d. Ranking Boards. All officer and enlisted personnel will be ranked utilizing the ranking board process outlined in this section.

(1) OPSO will act as Chairman for all VLCP Ranking Boards unless they are a member of the ranking group.

(2) The Chairman of the ranking board will appoint additional members as deemed necessary to conduct the board, but at no point will a member in the same summary group be appointed to rank a peer, regardless of supervisory status.

(3) When a ranking board has determined final ranking recommendations, the designated Chairman will submit final ranking recommendations to Chief VLCP for review, consideration, and approval.

e. Mid-Term Counseling. Mid-term counseling for officers will be conducted by Chief VLCP or OPSO, as directed by Chief VLCP. Mid-term counseling for enlisted members will be conducted by the member's supervisor.

f. Civilian Performance Reviews. Civilians and supervisors will complete at least one mid-year progress review and one annual review yearly via the DoD-wide DPMAP guidelines. Mid-year assessments and annual review due dates will be provided by OJAG or NLSC.

13-11. Recognition of Personnel. The VLCP strives to acknowledge the contributions of all members and reward the very best performers. Any member of the VLCP may nominate another individual for an award. All nominations for formal recognition will be considered by the nominated individual's OIC, OPSO, Deputy Chief VLCP, and Chief VLCP.

a. Formal Recognition. OPSO will apprise VLCP members of award opportunities. Nominations for personal military decorations, including End of Tour awards and Sailor and Junior Officer of the Quarter/Year awards will be submitted through the appropriate OIC to OPSO. Deputy Chief VLCP and the Supervisory Paralegal will publicize annual and quarterly civilian award opportunities, including NLSC Civilian of the Quarter/Year, throughout the VLCP and award recommendations can be made by any member of VLCP. All award recommendations will be submitted to Chief VLCP for final review and determination. Deputy Chief VLCP and OPSO will coordinate and submit VLCP nominees for NLSC awards at the direction of Chief VLCP per reference (cc).

b. Informal Recognition. Members of the VLCP are encouraged to suggest the award of special liberty, letters of commendation, letters of appreciation, command coins, or other informal recognition for any member of the VLCP. A memo describing the contribution of the member and the suggested recognition should be forwarded via the relevant OIC to Deputy Chief VLCP for civilians and OPSO for military members.

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13-12. Misconduct of Personnel. Chief VLCP will be immediately informed of any misconduct by VLCP personnel. Chief VLCP will coordinate reporting and any appropriate action with the Commanding Officer of the relevant RLSO or the civilian supervisor.

13-13. Command Managed Equal Opportunity (CMEO). It is the policy of the Navy and the VLCP to ensure equality of opportunity and fair treatment for all military members and civilian employees, regardless of race, creed, color, sex, sexual orientation, age, or national origin. This policy is in compliance with references (dd) and (ee).

a. Discrimination resulting in the denial of equal opportunity to any individual will not be tolerated in the Navy or by the VLCP. Equal opportunity is essential to attaining and maintaining high morale, discipline, and military effectiveness. Positive actions to counter possible discrimination will aid in achieving this environment.

b. CMEO is the Navy's Equal Opportunity Program and is a required focus for all units. Under reference (z), RLSOs will include VLCP personnel within their CMEO programs for purposes of training requirements and processing CMEO complaints.

c. RLSOs will not include VLCP personnel in their Defense Organizational Climate Surveys (DEOCS) or other command climate surveys. Chief VLCP will designate in writing a certified CMEO Program Manager who will coordinate DEOCS of only VLCP personnel.

13-14. Drug and Alcohol Prevention

a. Per reference (ee), Chief VLCP will exercise sound judgment in enforcing the Navy's alcohol and drug abuse policies and ensure proper disposition of individual cases of substance abuse. Chief VLCP is responsible for executing the concepts and policy outlined in reference (ff) as it applies to VLCP personnel. This includes:

(1) Administrative action due to a violation of the Navy's drug and alcohol policy. If informed of a reportable drug or alcohol abuse incident or referral under reference (ff), Chief VLCP will coordinate with the relevant RLSO to execute the measures assigned to Commanding Officers including the initiation of administrative processing of military members as required;

(2) Guidance on the responsible use of alcohol. Any VLCP personnel choosing to use alcohol will do so responsibly per reference (ff) and all applicable military, local, state and federal regulations. Alcohol consumption is never an acceptable excuse for misconduct or poor judgment.

b. Chief VLCP will confer with the RLSO command Drug and Alcohol Program (DAPA) Advisor to determine whether specific instances of alcohol misuse, not characterized as incidents, should be referred to command level education, command counseling, or to a medical screening.

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c. Chief VLCP will provide a means for command or self-referral without risk of disciplinary action for all members who have not incurred an incident but are in need of alcohol abuse counseling or treatment under the provisions in enclosure (1) of reference (ff).

d. Chief VLCP will ensure substantiated incidents of alcohol and drug abuse are documented in members' service records, enlisted evaluation and fitness reports, officer fitness reports, and other reports as required by policy.

e. Chief VLCP will ensure all VLCP military personnel follow their local RLSO's policy for check-in and participation in an official urinalysis program. Participation in a urinalysis program is mandatory for all VLCP military personnel.

f. Chief VLCP is assigned all other responsibilities and actions assigned to unit Commanding Officers by reference (ff), including appropriate discipline, treatment referral, and administrative processing of all military members in violation of the Navy's "zero tolerance" on drug abuse as required by said instruction.

13-15. Travel. Personnel assigned to the VLCP may be placed in a TDY or TEMADD status for mission essential travel to proceedings at which a client is testifying, has critical rights and interests at stake, or has requested the VLC's presence; outreach briefings in the relevant AOR; or to attend training and certification courses.

a. All VLCP personnel will utilize DTS via www.defensetravel.osd.mil to schedule official travel. VLCP personnel will use an official government credit card for all travel unless receiving permission to use an alternate form of payment from JCAB prior to completing the travel.

b. Chief VLCP is the final approval authority for VLCP travel. Requests for official TDY travel will be prepared by individual VLC using the standard JCAB Travel Form and VLCP Travel Justification Form, as promulgated under paragraph 8-8. Travel requests should be routed to Deputy Chief VLCP and OPSO via the OIC, who will forward with a recommendation. Chief VLCP may delegate travel approval to Deputy Chief VLCP and OPSO, however all approvals forwarded to JCAB must copy Chief VLCP. OPSO will inform the OIC and traveler of the approval decision before travel arrangements are made in DTS.

c. OCONUS travel. All personnel traveling OCONUS will follow all foreign travel clearance procedures for official travel. Traveling personnel will review the Foreign Clearance Guide and CNLSC guidance to ensure all requirements are completed before travel.

d. No-Cost TEMADD Orders. All VLCP personnel will submit No-cost TEMADD orders requests to their OIC for routing. No-cost orders will only be approved in limited circumstances and per the Joint Federal Travel Regulations/Joint Travel Regulations and Navy guidelines.

13-16. Facilities, Supplies, and Property Management

a. Government-furnished property. All VLCP personnel are expected to properly utilize assigned government facilities, and to safeguard and properly utilize all government furnished property in their workspaces.

(1) Chief VLCP will designate a property inventory point of contact (POC) within the VLCP. The VLCP inventory POC will be familiar with the requirements of relevant references, and is also responsible for submitting any and all required inventory reports of all office furniture, equipment and other qualifying government furnished property and equipment to NLSC, OJAG Fiscal Operations (FiscOps), OJAG Information Technology Operations (IT Ops), or JCAB, as appropriate.

(2) The OIC or senior VLC at each location will ensure all government furnished property purchased by VLCP, NLSC, OJAG, the local Region, or otherwise under the cognizance of VLCP personnel is maintained and inventoried per current required policy and processes.

(3) Chief VLCP will provide oversight when necessary to establish, supply, furnish, and refurbish any VLCP offices and spaces. VLCP will coordinate the upgrade or alteration of VLCP spaces with FiscOps, IT Ops, Naval Facilities, Public Works, and NLSC, as appropriate.

b. Information Technology (IT) Support. VLCP personnel will coordinate IT and telephone support, service, or upgrade of VLCP systems and purchase of IT equipment through VLCP HQ POCs who will advise and coordinate with installation IT offices, local Legal Technology Specialist, Fiscal Ops, IT Ops, NLSC, and the local Region as needed.

c. Supply Requisition. All supply requisitions are processed through JCAB. All VLCP personnel are expected to track their supply needs and provide timely requests to the VLCP administrative support staff, who will vet and route the supply request to JCAB via OPSO or other VLCP HQ designated administrative POCs.

d. Data Collection, Case Management, and Use of Online Resources. VLC and respective OICs will ensure all records and client information filed and tracked complies with all federal, DoD, and Navy regulations regarding the protection of private data and PII.

(1) Microsoft Teams. The MS Teams Navy Victims' Legal Counsel channel and the underlying SharePoint site are the primary sources for all VLCP administrative references, forms, and legal services templates. All VLCP personnel will ensure they have access to the VLCP Teams channel.

(2) Electronic case and data tracking. All VLCP personnel will utilize the electronic case and data tracking processes prescribed data reporting and case management as prescribed by Chief VLCP.

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(3) VLCP Survey. An accurate assessment of VLCP services requires thoughtful client feedback. Voluntary client input helps gauge the effectiveness of support to individual clients and also informs overall program and process improvements. All VLCP personnel will seek client participation in the VLCP Victim Satisfaction Survey, the current link to which will be provided to VLC by their OIC. Client participation is anonymous and voluntary.

e. Duty Mobile Phones. VLC will be issued a duty mobile phone for execution of their official duties. No private cell-phone numbers should be provided to clients, including personally procured numbers through phone applications such as Google Voice. Duty mobile phones remain the property of the Navy and will be transferred to subsequent VLC upon execution of Permanent Change of Station orders by the departing VLC. If a duty mobile phone is ever damaged, lost or stolen, or an upgrade, exchange, or change of device or mobile number is required, the VLC responsible for the mobile phone will immediately contact OPSO for further guidance.