



CHIEF OF THE NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA
DISTRIBUTION: A

CNGBI 0407.01
21 December 2020

NATIONAL GUARD MILITARY JUDGES PROGRAM

References: See Enclosure A.

1. Purpose. This instruction establishes policy and assigns responsibilities for the National Guard (NG) Military Judges Program (MJP) for the non-Federalized NG in accordance with (IAW) references a through c.

2. Cancellation. None.

3. Applicability. This instruction applies to the NG of the States, Territories, and District of Columbia, hereafter referred to as the "States."

4. Policy. It is NG policy to provide certified, trained military judges (MJs) as qualified for duty to perform proper judicial review of all military justice matters and authorized duties of the NG in a non-Federal duty status.

a. A Judge Advocate Officer serving in the grade of colonel, lieutenant colonel, or major (promotable) may be appointed as a "State Military Judge" pursuant to reference a, State law, and the State Code of Military Justice by the lawful appointing authority under the State code.

b. Consistent with an independent judiciary and in keeping with the special requirements for rating MJs, the MJP establishes a rating scheme placing military judges outside the General Court Martial Convening Authority rating chain.

c. State MJs may participate in the MJP upon their State authority approving participation in the NG Trial Judiciary under the MJP.

5. Definitions. See Glossary.

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6. Responsibilities.

a. National Guard Bureau (NGB) Chief Counsel. The NGB Chief Counsel will:

(1) Establish policy implementing the NG MJP.

(2) Develop, coordinate, and issue a Chief of the National Guard Bureau (CNGB) Manual providing implementation guidance, including required reports and notifications, to fulfill the requirements of the NG MJP as established herein.

(3) Develop standards and qualifications to be an MJ under this program.

(4) Form appropriate affiliations with the Offices of the Judge Advocate General, Army, and Air Force, to provide for technical supervision and inform the rating scheme.

(5) Manage the evaluation program in compliance with Service guidance.

b. Assistant to the NGB Chief Counsel (ACC). The ACC will:

(1) Serve as the NG Chief Judge and supervisor of the NG MJP and MJs in the program.

(2) Establish broad standard operating procedures, including approved duties.

(3) Establish rating and reviewer schemes for MJs, including the designation of Judicial Regions and Regional Chief Judges.

(4) Serve as Program Manager.

(5) Review and approve Army MJ designations and nominations to the NG Trial Judiciary and the Military Judge Course at the Judge Advocate Generals' Legal Center and School.

(6) In the event that a separately designated NG Chief Judge is determined, the Chief Judge will then assume the role of the ACC as herein described.

c. The Adjutants General (TAGs) and the Commanding General of the District of Columbia (CG). TAGs and the CG:

(1) Will certify the qualification under applicable State, Territory, or District of Columbia law of any designee to be an MJ for the non-Federalized National Guard.

(2) May direct the designee's participation in the NG MJP subject to approval, endorsement, and designation by the NGB Chief Counsel or ACC.

d. State Judge Advocates. State Judge Advocates may nominate other Judge Advocates to TAG to be designated as MJs.

e. NG MJs. NG MJs will:

(1) Maintain professional certification IAW their licensing jurisdiction and Service requirements.

(2) Comply with the military justice responsibilities prescribed by Service Judge Advocates General and other authorities.

(3) Adhere to policies and procedures established by the ACC.

f. The Chief Legal Administrator. The Chief Legal Administrator will:

(1) Publish an Officer Evaluation/Performance Report rating scheme, IAW references d and e.

(2) Serve as program resource manager.

7. Summary of Changes. This is the initial publication of CNGBI Instruction 0407.01.

8. Releasability. This instruction is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.

9. Effective Date. This instruction is effective upon publication and must be revised, reissued, canceled, or certified as current every five years.



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General, USA
Chief, National Guard Bureau

Enclosures:

A -- References

GL -- Glossary

ENCLOSURE A

REFERENCES

- a. Title 32 U.S. Code Section 326, “Courts-Martial of National Guard Not in Federal Service: Composition, Jurisdiction, and Procedures”
- b. Department of Defense Directive 5105.77, 30 October 2015, “National Guard Bureau (NGB),” Incorporating Change 1, 10 October 2017
- c. CNGB Instruction 5000.01B, 24 January 2020, “Chief of the National Guard Bureau Issuances”
- d. Army Regulation 623-3, 14 June 2019, “Evaluation Reporting System”
- e. Air Force Instruction 36-2406, 20 May 2020, “Officer and Enlisted Evaluation Systems”

GLOSSARY

PART I. ACRONYMS

ACC	Assistant to the Chief Counsel, National Guard Bureau
CG	Commanding General of the District of Columbia
CNGB	Chief of the National Guard Bureau
IAW	In accordance with
MJ	Military judge
MJP	Military Judges Program
NG	National Guard
NGB	National Guard Bureau
TAG	The Adjutant General

PART II. DEFINITIONS

States -- The 50 States, the Commonwealth of Puerto Rico, the District of Columbia, Guam, and the United States Virgin Islands.