November 21, 2014

Vice Admiral Nanette M. DeRenzi
Judge Advocate General
U.S. Navy Judge Advocate General’s Corps

Via
Captain Karen Fischer-Anderson
Chief of Staff
U.S. Navy Victims Legal Counsel Program
Naval Station Mayport
1868 Baltimore Street
Mayport, Florida  32228-0036

Re: VLC Program’s Business Rules Related to Child Victim Clients

Dear Admiral DeRenzi:

I am writing on behalf of the American Bar Association to commend the U.S. Navy Judge Advocate General’s (“JAG”) Corps and its Victims Legal Counsel “VLC” Program for developing “Business Rules for the Provision of VLC Services to Minors and Clients with Diminished Capacity.” The ABA Center on Children and the Law has reviewed these Rules and has concluded that they reflect the emergent best practices in the legal area of working with child victims of crime and facilitating their potential involvement in criminal court proceedings.

First, as it relates to minor children and the role of their legal representative in these cases, Rule 1.14 of the JAG Rules of Professional Conduct essentially tracks Rule 1.14 of the ABA Model Rules of Professional Conduct (Client-Lawyer Relationship: Client With Diminished Capacity), and the Business Rules reflect those ethical guidelines. Second, as they articulate the role and responsibilities of the VLC attorney for the child, the Business Rules reflect the practices articulated in the ABA Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings that was approved by the ABA House of Delegates in August 2011. The Rules on child representation are also in accord with an earlier set of ABA child representation standards (Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases, February 1996).
The Navy’s Business Rules are grounded on sound sources and draw from the practices of lawyers who represent abused children. These practices have been encouraged by the National Association of Counsel for Children and the National Quality Improvement Center on the Legal Representation of Children in the Child Welfare System. The ABA commends the Navy JAG Corps for encouraging attorney-child contact to include, at a minimum, regular phone calls, in-person visits, and written communications with VLC program’s child clients. We further applaud a provision of the Rules that lists ten areas where information is to be solicited in appropriate situations from the child, which are related to the child’s expressions of concern. Finally, we appreciate that the Rules specifically address the importance of confidentiality in VLC-child communications.

In addition to the Navy’s Business Rules for providing victim services to minors, the ABA also applauds the training the Navy is conducting to ensure its VLCs understand the challenges associated with working with child victims. The ABA Center on Children and the Law has already had the privilege of helping Lieutenant Marcus Lawrence at the Naval Air Station in Pensacola, Florida, provide webinar training to Navy VLCs assigned worldwide, and the ABA welcomes the opportunity to continue working with the Navy as it improves its services to child victims and clients with diminished capacity.

Very truly yours,

Thomas M. Susman
Director
Governmental Affairs Office
American Bar Association