



CHIEF NATIONAL GUARD BUREAU INSTRUCTION

NGB-JA
DISTRIBUTION: A

CNGBI 0405.01
21 July 2017

LITIGATION

References:

- a. Title 28, United States Code Section 516, "Conduct of Litigation Reserved to Department of Justice"
- b. Army Regulation 27-40, 19 September 1994, "Litigation"
- c. Air Force Instruction 51-301, 20 June 2002, "Civil Litigation"
- d. Department of Defense Directive 5105.77, 30 October 2015, "National Guard Bureau"

1. Purpose. This instruction establishes policy and assigns responsibilities for National Guard (NG) litigation concerns in accordance with (IAW) references a through d.
2. Cancellation. This instruction replaces National Guard Regulation 27-40/Air National Guard Regulation 110-24, 31 August 1981, "Litigation."
3. Applicability. This instruction applies to all elements of the NG.
4. Policy. It is National Guard Bureau (NGB) policy to monitor and provide guidance through the Office of the NGB Chief Counsel (NGB-JA) on all litigation arising from or related to activities or interests of the NG.
5. Definitions. See Glossary.
6. Responsibilities. See Enclosure A.
7. Summary of Changes. This is the initial publication of CNGBI 0405.01.

UNCLASSIFIED

21 July 2017

8. Releasability. This instruction is approved for public release; distribution is unlimited. Copies are available through <<http://www.ngbpd.c.ngb.army.mil>>.

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



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General, USAF
Chief, National Guard Bureau

Enclosures:

A -- Responsibilities

GL -- Glossary

ENCLOSURE A

RESPONSIBILITIES

1. NGB-JA. NGB-JA will:

a. Serve as the official channel of communication on all legal matters, including litigation, pertaining to the NG between the States and the Department of the Army and the Department of the Air Force IAW paragraph 4b of reference d.

b. Receive all litigation-related inquiries and requests from other Federal agencies.

c. Maintain and distribute a current roster of NG Litigation Coordinators (LC) to the U.S. Army Legal Services Agency Litigation Division, and the Air Force Legal Operations Agency Civil Law and Litigation Directorate.

d. Develop, coordinate, and issue a CNGB Manual to provide implementing guidance, including required reports and notifications, IAW with this instruction.

2. The Adjutants General (TAG) and the Commanding General of the District of Columbia National Guard (CG). TAGs and the CG will designate a full-time, military technician (dual status) or Active Guard Reserve, Judge Advocate as a LC.

3. LCs. LCs will:

a. Serve as the point of contact between their respective State and the NGB for all litigation matters.

b. Prepare litigation reports after coordination with NGB-JA.

c. Refer all litigation-related inquiries and requests from other Federal agencies to NGB-JA.

d. Prepare and transmit any required litigation notifications to NGB-JA.

e. Provide NGB-JA with the LC's updated contact information, including the LC's name, rank, official email address, street address, facsimile number, and duty phone number (both Defense Switched Network and commercial where applicable).

GLOSSARY

PART I. ACRONYMS

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| CG | Commanding General of the District of Columbia National Guard |
| IAW | In accordance with |
| LC | Litigation Coordinator |
| NG | National Guard |
| NGB | National Guard Bureau |
| NGB-JA | Office of the National Guard Bureau Chief Counsel |
| TAG | The Adjutant General |

PART II. DEFINITIONS

Litigation -- Legal action or process involving civil proceedings.

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