



THE MILITARY JUSTICE REVIEW PANEL
ARTICLE 146, UNIFORM CODE OF MILITARY JUSTICE

BUSINESS RULES

These Business Rules establish certain governing rules and principles (“Business Rules”) for the operation of the Military Justice Review Panel (the “MJRP” or “Panel”), created by section 5521 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, as amended by section 531(k) of the FY 2018 NDAA, and 10 U.S.C. § 946. Art. 146 of the Uniform Code of Military Justice (UCMJ) (effective Jan 1, 2019).

Article I – MJRP Composition and Leadership

Section 1 – Members. The Panel is comprised of thirteen members appointed in accordance with UCMJ, Article 146, for a term of eight years.

Section 2 – Leadership. A Panel Chair is selected by the Secretary of Defense, from among the thirteen members.

Section 3 – Working groups. The Panel may establish working groups comprised of its members to perform specific tasks as deemed appropriate by a majority of the Panel’s members. Working groups will periodically report on their activities to the full Panel. In consultation with a working group’s members, the MJRP Chair will designate working group chairs.

Article II – Quorum, Voting, and Deliberations

Section 1 – Quorum. Seven (7) members of the MJRP shall constitute a quorum. If a vacancy occurs, a majority of the members shall constitute a quorum. A quorum shall be required to vote on any matter. Less than a quorum may hold hearings or meetings. A member’s virtual attendance is considered to be present for determining quorum.

Section 2 – Voting. Any member may request a vote on any matter. Absent such request, the Chair shall determine which matters are subject to a vote by members. Any matter subject to vote requires a quorum. Proxy voting is not permitted.

Section 3 – Deliberations. The members shall deliberate all matters requiring a vote. After deliberations by the members present, the Chair will close the discussion and call for a vote. The staff director will confirm and record the vote without attribution to individual members.

Article III – Meetings

Section 1 – In general. The Panel may hold business, public, and working group meetings. The Federal Advisory Committee Act does not apply to the Panel.

1.A – Business meetings will be closed to the public and are intended to address organizational and/or pre-decisional, deliberative matters. Such meetings may involve matters described in Section 3 below.

1.B – Public meetings will generally involve information gathering from sources outside the Panel, and its professional staff, and will be open to the public at the discretion of the Chair. Public meetings will allot for public comment. Public comment requests will be submitted at least 5 business days prior to the meeting, and coordinated by the staff director. The MJRP's website and Federal Register, or other means, will announce Public meetings 14 days prior to the meeting, when practicable. Such notice(s) will include an agenda, location of the meeting, and instructions on providing public comment.

1.C – Working group meetings will be closed to the public and are intended for members to execute specific tasks assigned by the Panel to address pre-decisional matters. Such meetings may involve matters described in Section 3 below.

Section 2 – Scheduling. The MJRP will hold quarterly meetings at the call of the chair and agreed upon by a majority of the members. The quarterly meetings may be a combination of business and public meetings, including a split of such meetings at any gathering of the full Panel. Meetings may be in-person, virtual, or hybrid of both. Actions of the panel taken virtually or by electronic means shall have the same force and effect as actions taken at any meeting where the members are physically present. The primary location of quarterly meetings will be the National Capital Region (NCR), with the option to meet outside the NCR. The Chair will lead the meetings, or in the Chair's absence, a member designated by the Chair. The Panel may hold additional meetings at the call of the Chair or a majority of the members. The staff director will circulate deliverables and read ahead materials to the members at least two weeks prior to each meeting.

Section 3 – Hearings and information gathering. The Panel may gather information, from individuals, groups, or stakeholders with expertise or experience in the military justice process or other areas of interest to the MJRP. The Panel may take testimony and meet with individuals, government officials, and non-government organizations at any meeting described in Section 1. The MJRP staff may gather information on behalf of the Panel.

Section 4 – Site visits. MJRP members may conduct site visits to military installations and observation of relevant proceedings. All such visits will be coordinated through the staff director.

Section 5 – Executive Sessions. The Chair may convene an Executive Session, comprised of members only, unless select staff are invited.

Section 6 – Minutes. Summarized minutes, with attribution to individual members or presenters, will be prepared for each public meeting. Summarized minutes, without attribution to individual members or presenters, will be prepared for each business and working group meeting. The Panel Chair will approve the minutes for business and public meetings. The working group Chair will approve the minutes of working group meetings. Approved minutes for public meetings will be provided to the members and a publicly releasable version posted to the MJRP website. Business and working group minutes will be provided to the members, but will not be made available to the public.

Section 7 – Transcript. Public meetings will be transcribed, with attribution to individual members or presenters, by a court reporter and be made available on the MJRP’s website. At the discretion of the Panel or working group chair, business meetings, including working group meetings, will be transcribed without attribution to individual members or presenters. Business and working group transcripts will not be made available to the public.

Article IV – Reviews and Reports

Section 1 – Consensus opinion. All MJRP reviews and reports will reflect the consensus of a majority of the Panel members without identification of the specific vote and without naming individual members.¹ Dissenting opinions will be included without naming individual members, unless specifically requested.

Section 2 – Routing. When submitting a statutorily required report to the Committees on Armed Services of the Senate and the House of Representatives, the Panel will provide a courtesy copy of its report to the DoD General Counsel.

Section 3 – Additional reviews and assessments. In addition to the statutorily required periodic comprehensive and interim reviews, and those conducted by the MJRP at the request of the Secretary of Defense pursuant to UCMJ, Article 146(f)(4), the MJRP may review additional matters it deems relevant to the operation of the UCMJ. The Panel may also receive requests from the Department of Defense to conduct additional reviews of other matters related to military justice. As determined by a majority vote, the MJRP may conduct such reviews and issue such letters, reports, comments, findings and recommendations, as it deems appropriate.

Article V – Staff

Section 1 – Director. The MJRP director will be designated by DoD General Counsel.

Section 2 – Professional staff. The MJRP professional staff should include a diverse team of subject matter experts with a mix of experience across the Military Departments and extensive knowledge of military justice matters. The team should include attorneys, paralegals, and other support personnel. To the extent practicable, the staff should include former staff judge advocates, military judges, prosecutors, defense counsel, victim advocates, and academics.

¹ Amended by unanimous vote on July 18, 2024.

Article VI – Members as Special Government Employees

Each MJRP member is a Special Government Employee (SGE) appointed to perform temporary duties on an intermittent basis, without compensation, for a period not to exceed 130 days during any period of 365 consecutive days. Panel members are authorized travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, while away from their homes or regular places of business in the performance of services for the Panel. The staff will coordinate and process all travel requests and reimbursement for the members.

Article VII – Communications

Section 1 – Public. The Panel will maintain a publicly accessible website to provide information about the MJRP, its published reports, and other materials deemed appropriate by the Panel that are not pre-decisional, proprietary, or otherwise protected from disclosure. The website will provide a method for members of the public to submit comments for the Panel’s consideration.

Section 2 – Federal agencies. Pursuant to UCMJ, Article 146(h), upon request, Federal agencies shall provide information that the Panel considers necessary to carry out its duties. The staff director will establish protocol and execute such requests for information on behalf of the Chair.

Article VIII – Use of Personal Email

Section 1 – In general. Members electing and provided official DoD email accounts should use these email accounts for Panel business except when not available.

Section 2 – Handling communications from non-official email accounts. For Members provided official DoD email accounts, any communications received on or sent from a non-official email account will be copied or forwarded to the official DoD email account within twenty (20) days.

Section 3: Electronic records transfer. Transferring sensitive military justice, or related documents, is limited to DoD email accounts. For Members that do not elect to receive a DoD email account, review of such documents will require in-person review at the MJRP office.

Article IX – Changes to Business Rules

These Business Rules, or any portion, may be amended or removed and additional Business Rules may be added upon vote of a majority of the MJRP members.

Adopted by the Panel on January 18, 2023