



INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
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August 16, 2005

MEMORANDUM FOR CIVILIAN AND MILITARY OFFICERS AND EMPLOYEES  
ASSIGNED TO THE OFFICE OF THE INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE

**Subject:** Role of Legal Counsel within the Office of Inspector General

**References:** (a) Inspector General Act of 1978, as amended  
(b) Inspector General Act Implementation and Office of the Inspector General Policy Guidance (Revision 2), December 27, 2004.  
(c) President's Council on Integrity and Efficiency, "Silver Book" (2003)  
(d) Principles and Standards for Offices of Inspector General (Association of Inspectors General 2001)

**Purpose:** To prescribe interim policy guidance on the role of legal counsel within the Office of Inspector General.

**Background:** Reference (a) established the Office of Inspector General of the Department of Defense as an "independent and objective unit" of the Department of Defense. Reference (b) implemented Reference (a), incorporating References (c) and (d) as policy guidance for all OIG components.

**OIG Policy:** Within attorney-client relationship generally, attorneys serve as advisers to and advocates of their clients. Attorneys in the Office of Legal Counsel ("OLC") serve as "independent" legal advisers and counselors to the Inspector General and the Office of Inspector General. The General Counsel and Assistant Inspector General (Office of Legal Counsel) ("GC/AIG(OLC)" or "IG GC") serves as the principal legal adviser and counselor to the Inspector General and to the Office of Inspector General.

Pending any further guidance from the Office of the Secretary of Defense on the relationship between the GC/AIG(OLC) and the General Counsel of the Department of Defense ("DoD General Counsel"), the following guidance from the Chairman of the President's Council on Integrity & Efficiency is policy for the Office of Inspector General:

- The IG hires his/her own General Counsel;
- There should be a clear, written statement to remind everyone, including applicants for the IG GC position, that the DoD General Counsel has the final legal word at DoD;
- The IG is responsible for evaluating his/her GC's performance, and welcomes any and all comments from the DoD General Counsel.

Independent and objective legal advice is essential to the Inspector General and the Office of Inspector General. Accordingly, any ambiguity in this policy shall be construed to conform with the independence requirements of References (a) through (d).

**Effective Date:** Immediately.

  
Joseph E. Schmitz