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NASA Procedural Requirements

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2005
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2010

COMPLIANCE IS MANDATORY

Training and Development for the NASA Legal Staff

Responsible Office: Office of the General Counsel

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Preface

P.1 Purpose

Personnel, including attorneys, paralegals, and other support staff assigned to the NASA legal function, must develop and maintain their professional and technical skills with robust and consistent training and developmental opportunities in order to provide the highest quality of legal counsel and representation to the Agency. Additionally, individuals must be carefully developed professionally to assure that potential candidates are available to assume leadership positions and to maintain succession planning consistent with Agency objectives. This directive serves as an overall functional roadmap for new personnel, experienced personnel and personnel currently serving in leadership positions.

P.2 Applicability

This directive applies to all NASA Agency legal team personnel throughout NASA. In the event of any conflict between this directive and any other NASA directive or regulation, this directive shall govern and supersede any previous issuance.

P.3 Authority

- a. NPD 1000.3B, The NASA Organization.

P.4 References

- a. 5 U.S.C. Chapter 41-Training.
- b. 5 U.S.C. 5108. Classification of Positions above GS-15.
- c. 5 CFR 410. et seq.-Training.
- d. 5 CFR 319-Employment in the Senior Level Positions.
- e. 5 CFR 302-Employment in the Excepted Service.
- f. NPR 2000.1, Authority to Take Certain Actions for the General Counsel.
- g. NPD 3410.2E, Employee and Organizational Development.
- h. NPR 3319.1, Management of Senior Scientific and Technical and Other Senior Level Positions.

P.5 Cancellation

None.

/S/

Michael C. Wholley
General Counsel

Chapter 1. Operating Requirements

1.1 Introduction

This NPR provides requirements for the development and maintenance of attorney professional and technical skills in order to provide the highest quality of legal counsel and representation to the Agency.

1.2 Objective

The objective of this NPR is to serve as an overall functional roadmap for new personnel, experienced personnel, and personnel currently serving in leadership positions in the NASA legal organization.

1.3 Responsibilities

1.3.1 The General Counsel, as the functional leader of the NASA legal organization, is responsible for the delivery of quality legal services and all legal representation. Recruiting, training, and retaining legal personnel of the highest quality are essential to fulfilling this mission.

1.3.2 The Deputy General Counsel (Administration and Management) is responsible for tracking and reporting of NASA-wide recruitment, legal training, and development. An annual report will be compiled and submitted by each Associate General Counsel and Chief Counsel on the total number of training and professional development opportunities that have been provided to personnel within their respective organizations within the past year. (Report format contained at Appendix A) Report data will be available from the Agency Learning Management System.

1.3.3 Associate General Counsels and Chief Counsels are charged with the primary responsibility to assure that their respective staff attorneys and legal support personnel are provided training and development opportunities. They should work closely with their respective training offices and together identify training and development opportunities available both internally and externally. In conjunction with the individual employee, these leaders shall also identify and fulfill the training and development needs of all personnel -- professional and support staff -- within their respective organizations. The General Counsel, Deputy General Counsels and the Associate General and Chief Counsels are also responsible for working with the training offices and budget personnel to obtain the necessary resources, to include training and travel funds, and to budget sufficient time for personnel to attend training and development programs.

1.3.4 Personnel assigned to the legal team have a personal responsibility with regard to managing their individual training and development needs. Each employee must be responsible for, and cognizant of these training and development requirements and opportunities and work with his or her Associate General Counsel or Chief Counsel to identify, plan for and request training and

developmental opportunities and assignments.

1.3.5 Members of the NASA Senior Legal Leadership Team assigned to be mentors for the purposes identified in Section 10, below, will be responsible for dedicating appropriate time and effort to assist in the development of junior attorneys and staff.

Chapter 2. Attorney Training

2.1 Core Training For New Attorneys

2.1.1 Certain core training for all newly assigned attorneys at NASA is recognized as essential to enable sound legal advice and analysis. These areas include subjects not typically directly addressed in law school curricula or most other practice contexts. All attorneys need not be experts in all these areas, but each NASA attorney must have a working familiarity in order to successfully perform within the NASA legal arena. No prescribed source exists for this training, but several Government-sponsored sources (e.g. The Army Judge Advocate General's School, the Department of Justice Legal Education Institute, the Office of Government Ethics, and the Office of Personnel Management), as well as commercially available vendors, are potential sources for this training..

2.1.2 To fulfill these requirements the training must be substantive training targeted to legal professionals. These training requirements are identified in Appendix B. The required coursework should be accomplished within the first four years of NASA employment. For experienced attorneys joining the NASA team they may substitute experience or training received at another Government organization or from the private sector for the stated requirements. The General Counsel, following consultation with the Deputy General Counsels and the relevant Associate General Counsels or Chief Counsels, will determine whether prior training or experience meets the intent of this training requirement. Such determinations will be documented at the time of the employee's hiring, and the decision on waivers will precede employment offers.

2.2 New Attorney Orientation

Each new attorney will be provided an orientation session at OGC. Such sessions will occur on an annual basis and all new hires within the previous 12-month period will be provided the opportunity to attend either in person or by ViTS. This orientation will be conducted in addition to Agency-wide orientation programs. The purpose of this session will be to familiarize the new attorneys to the NASA legal practice in general, the overall Agency mission and vision as well as missions and roles of each Center in support of the Vision for Space Exploration. This session will entail briefings from Senior Headquarters Officials, Headquarters Associate General Counsels, General Counsel and Deputy General Counsels as well as a representation from Center Chief Counsels.

2.3 Individual Development Plans

Every member of the NASA legal team will have an Individual Development Plan (IDP). The purpose of the IDP is to focus on career growth and professional development. The plan should address near term and long-term goals. The plan will be reviewed and updated as necessary on an annual basis. The Agency wide Learning Management System IDP format may be utilized or the sample IDP format contained at Appendix C. Other formats may be used provided they include the

same substantive data. A key component of the IDP is the planning discussion with the supervisor.

2.4 Legal Skills Maintenance

Each NASA Attorney and paralegal will be provided at least one legal skills maintenance opportunity each year. This should entail a substantive course from a Government source or private vendor that is consistent with the individual's experience and skill level. The purpose of this training is to provide refresher training as well as keeping abreast of new developments in substantive areas of the law. Other support staff, e.g. law librarians, legal technicians, secretaries, will also be provided substantive skills maintenance and development training.

Chapter 3. Mid Career Professional Development

3.1 Career Focus Areas

3.1.1 Attorneys at the mid-career level (Senior GS-14 or GS-15) who have consistently performed in an outstanding manner should be provided further professional developmental opportunities. Two distinct career focus areas have been identified; the Senior Legal Specialist Focus and the Leadership Focus.

3.1.2 These focus areas are not mutually exclusive; an attorney might begin in one focus area and switch or be switched to another focus area later in his or her career. Placement in either one of these focus areas is for the benefit of the Agency to ensure that the appropriate legal disciplines are covered and that a pool of potential candidates exists to fulfill future leadership vacancies. Inclusion in either one of these focus areas does not assure that an attorney will progress into a designated Senior Legal (SL) Specialist or be selected for a leadership position in the Senior Executive Service (SES).

3.1.3 Although an individual may not progress to a formal leadership position, participation in these focus areas will benefit the individual and the legal team by creating a cadre of trained leaders and specialists. The NASA Legal Leadership Team (General Counsel, Deputy General Counsels, Associate General Counsels and Chief Counsels) will meet annually to identify candidates for the Leadership Focus and for the Senior Specialist Focus. The final determination for inclusion or retention in either of these focus areas will be made by the General Counsel. In the same time period with the identification of new candidates will be a revalidation of previously identified candidates.

3.1.4 These two focus areas are not intended to be a substitute for any Agency wide developmental programs. The purpose of these two focus areas is to concentrate on the unique circumstances of the legal function.

3.2. Leadership Focus

3.2.1 The Leadership focus area is designed to identify and develop potential future leaders of the NASA Legal Team.

3.2.2 On an annual basis the Leadership Team will meet and identify candidates for inclusion in this group.

3.2.3 Upon initial designation of placement into the Leadership focus area a gap analysis will be made of the individual. This will be a joint effort of the individual, their mentor and their supervisor. The purpose of this analysis is to identify areas of growth needed as well as discreet requirements that may be a prerequisite for assuming a leadership position. For example, if a specific rotational

assignment or supervisory experience is identified the individual will be targeted to fulfill these requirements. Additionally, if there is mandatory training required this will be identified and targeted. If the individual's legal experience needs to be broadened, opportunities will be provided to accomplish this.

3.2.4 Priority will be provided to those individuals nominated for Agency-wide programs such as the Senior Executive Service Career Development Program, the Leadership Development Program as well as Fellowships.

3.2.5 In order to be a leader within the legal community it is essential to gain a broad perspective. This includes expanded areas of legal practice, supervisory opportunities, and budgeting duties. Consequently, the Leadership focus will entail a rotational assignment of a minimum of one year. For field attorneys it is highly encouraged that a Headquarters assignment be accomplished. For Headquarters attorneys it is highly encouraged that a field assignment be accomplished.

3.2.6 At least once annually individuals identified in the Leadership focus area will meet as a group for the purpose of facilitated teambuilding and receiving orientation from the General Counsel, Deputy General Counsels as well as other members of the Leadership Team. Typically members of this group will be provided a leadership challenge facing the legal community to address as team.

3.2.7 Members of the Leadership focus area will be provided opportunities to serve in Acting leadership positions as they arise.

3.2.8 Members of the Leadership focus area will be assigned a mentor from the current Leadership Team. To the maximum extent practicable this mentor will not be in the supervisory chain of the individual.

3.2.9 Selected members of the Leadership focus area will on an ad hoc basis attend the NASA Leadership Team Offsites. The purpose of this attendance is to gain their insight and expose them to issues confronting the NASA legal team.

3.3 Senior Legal Specialist Focus

3.3.1 Recognizing: (1) that with the increased complexity and rapid changes of the law a need exists to have Senior Legal discipline specialists (SL) positions within the Agency; and (2) many NASA attorneys desire to progress, but do not want to pursue managerial leadership positions, the purpose of the Senior Legal Specialist Focus will identify candidates who aspire to become a legal discipline specialist and will provide professional development for the purpose of further developing the attorney's technical skills consistent with the needs of the legal function. It is fully anticipated that if an individual is designated as a Senior Legal Specialist they will be available for Agency wide assignments regardless of where they are physically located.

3.3.2 On an annual basis the NASA Legal Leadership Team will assess the expertise needs of the areas of practice. This assessment will encompass needs based on legal issues anticipated to confront the Agency in the future balanced against current staffing and anticipated attrition. Against these needs attorneys will be considered for further specialized development.

3.3.3 Specialized legal discipline training will be pursued and documented by individuals in the Senior Legal Specialist focus area.

3.3.4 Individuals in the Senior Specialist focus area will be provided targeted high profile assignments of Agency wide significance such as lead counsel for a major lawsuit, source evaluation board, mishap investigation board, and etc.

3.3.5 In order to be a Senior Legal Specialist within the Agency it is essential to gain a broad perspective. Consequently, the Senior Legal Specialist focus area will entail a rotational assignment of a minimum of one year. For field attorneys it is highly encouraged that a Headquarters assignment will be accomplished. For Headquarters attorneys it is highly recommended that a field assignment will be accomplished.

3.3.6 Consistent with the needs of the Agency and with available resources, an opportunity for NASA lawyers to pursue a Masters of Law (LLM) is established. On an annual basis the NASA Legal Leadership Team will assess whether there is a need for a particular discipline. Upon determination of such a need, a call for candidates will be made. A selection panel comprised of a Deputy General Counsel, an Associate General Counsel and a Chief Counsel will select the candidate(s) for the LLM program. Funds for tuition, books and supplies will be provided by the Office of General Counsel. Travel and per diem will be provided by the office where the selectee is assigned. It should be noted that this program will comply with NPR 3410.2E graduate program policies.

3.3.7 Senior Level Positions have been identified within the legal function. These positions are not tied to any legal discipline. However, it is anticipated that these positions will be utilized to staff Senior level positions in such areas as intellectual property, ethics, litigation, environmental, and other key legal discipline areas as required.

Chapter 4. Training for NASA Legal Managerial / Leadership Team

4.1 Objective

Development and growth needs do not end upon assignment to a formal leadership position. Accordingly, the General Counsel, Deputy General Counsels, Associate General Counsels, and Chief Counsels will at a minimum attend biannually a substantive managerial or leadership training, seminar, workshop or fellowship of a three day or more in residence activity. However, multiple programs of shorter duration can suffice. The objective is for the leadership team to continually grow professionally.

4.2 Rotational Assignments

4.2 Rotational assignments are a key component of this training and development program. Rotational assignments create hardships from the sending office, and to alleviate this issue, every effort will be made to accommodate reciprocal assignments so office staffing is not diminished for significant periods. In the event that this does not occur the Office of General Counsel will work with the affected Chief Counsel to identify methods to facilitate a temporary/term replacement for the duration of the rotational assignment.

4.2.2 Probably the most significant opportunities for legal community development reside in the Directorate Lead Counsel (DLC) Program, where experienced senior attorneys are assigned directly to the staff of the Mission Directorate Associate Administrators (and additionally to the Office of the Chief Financial Officer), to act on issues of direct impact to the Mission Directorate and Centers working with that AA-level individual or his or her staff. These superb training opportunities are for a period of 12 months with a possible extension not to exceed a total period of 18 months. The Position Description for the DLC is attached as Appendix E.

4.3 Assignments Outside Purview of Program

4.3.1 The rotational assignments addressed in this program should not forestall individuals, whether in the Leadership Focus or Senior Legal Specialist Focus or not, from pursuing rotational assignments of shorter durations. This is professionally rewarding for the organization and for the individual.

Chapter 5. Training Critique Forms

In order to better assess the quality of a training or development course, each attendee will fill out the questionnaire/critique form at Appendix D within 30 days of returning from a class or program. This form will be maintained in a centralized database within the General Counsel's Office so it can be evaluated by others who are considering this course or program.

Chapter 6. Annual Review

This policy directive is a pilot program and will be reviewed annually by the NASA Legal Leadership team to ensure that it is meeting its intended objectives and will be modified as necessary.

CHAPTER 7. Professional Association Involvement

Membership in professional associations (e.g. American Bar Association, Federal Bar Association) is strictly voluntary though encouraged. Membership in professional associations is valuable for several reasons. First, it provides opportunities for cross-fertilization of information and ideas on a variety of issues. Second, information is available to allow the professional to keep abreast of current topics. Not only printed literature, but also seminars and meetings yield valuable information to the professional. Third, meetings provide members an opportunity to meet with others who have similar interests and careers. Finally, involvement in association activities provides networking opportunities and an opportunity to communicate NASA's vision and mission. It also provides further opportunities for professional growth by pursuing leadership positions in professional organizations.

Appendix A. Annual Training Report

| AGC and CC ANNUAL TRAINING REPORT |
|-----------------------------------|
|-----------------------------------|

Center/Code:

Name:

Year:

Under each section list employee's name and course(s) taken by that employee.

I. Core legal courses (required and elective) completed by staff during reporting year:

II. Specialty legal courses completed by staff during reporting year:

III. Leadership courses completed by staff during reporting year:

IV. Non-legal courses completed by staff during reporting year:

V. Courses planned for during year but not taken, with explanation why:

VI. Employee's professional association involvement:

Appendix B. Core Training for Attorneys

Core Training for Attorneys

- i. Government Contracts
- ii. Government Ethics
- iii. FOIA/Privacy Act
- iv. NASA Annual Legal Conference
- v. Fiscal Law

In addition to the above required courses core training also will include at least 2 courses from the list below consistent with the attorney's legal focus area.

- i. Claims and Protests
- ii. Export Control
- iii. Federal Labor Relations/Personnel Law, EEO
- iv. Cooperative Agreements, CRADA's and other transactions
- v. Government Contract Intellectual Property
- vi. Rights in Technical Data and Computer Software
- vii. Environmental Law

Appendix C. Individual Development Plan Template

| INDIVIDUAL DEVELOPMENT PLAN (IDP) | | |
|--|---------------------|------------------|
| Name | Organization | Job Title |
| Employee Goals | | |
| Long Range (next five years) | | |
| <p>Enter your general long range (next five years) goals here. Think of this as your "vision" for where you would like to be in your career in five years.</p> | | |
| Training/Development Assignments for Long Range Goals (Next Five Years) | | |
| <p>Enter your long range (next five years) assignments here.</p> | | |
| Experience During Past Year | | |
| <p>Enter your previous (past year) experience here.</p> | | |
| Short Range Training Goals (next year) | | |
| <p>Enter your short range (current review cycle) goals here.</p> | | |
| <p>NOTE: The IDP is an opportunity to address individual and legal function goals, and to prepare for future career opportunities. An IDP does not guarantee training or development assignments, advancements or promotion.</p> | | |
| Employee's Signature/Date | | |

| INDIVIDUAL DEVELOPMENT PLAN (IDP) CONTINUED | | |
|--|---------------------|------------------|
| Name | Organization | Job Title |
| Training for Upcoming Year | | |
| Required Training | | |
| Course | Hours | Date Comp |
| | | |
| Goal Oriented Training | | |
| Course | Hours | Date Comp |
| | | |

Appendix D. Training Questionnaire/Critique Form

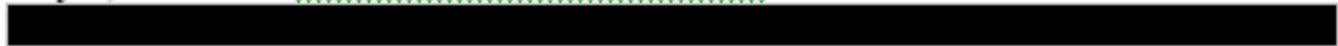
Training/Conference Evaluation

| | | | |
|----------------------------|--|-----------------------------------|------------------------------------|
| Program Name | | | |
| Target Audience | <input type="checkbox"/> Leadership | <input type="checkbox"/> Attorney | <input type="checkbox"/> Paralegal |
| | <input type="checkbox"/> Support Staff | | |
| Cost (if known) | | | |
| Contact Information | <i>Name:</i> | | <i>Telephone:</i> |

1 = Strongly Disagree • 2 = Disagree • 3 = Neither • 4 = Agree • 5 = Strongly Agree

| | 1 | 2 | 3 | 4 | 5 |
|--|---|---|---|---|---|
| General | | | | | |
| I had the knowledge and/or skills required to start this program. | | | | | |
| Content | | | | | |
| I clearly understood the program objectives. | | | | | |
| The program met all of its stated objectives. | | | | | |
| Design | | | | | |
| Participant materials were useful during the program. | | | | | |
| I had enough time to learn the subject matter covered in the program. | | | | | |
| The program content was logically organized. | | | | | |
| Instructor(s) | | | | | |
| Overall I was satisfied with the instructor(s). | | | | | |
| Perceived Impact | | | | | |
| My knowledge and/or skills increased as a result of this program. | | | | | |
| The knowledge/skills gained through this program are applicable to my job. | | | | | |
| Overall I was satisfied with this program. | | | | | |
| I would recommend this program to other employees. | | | | | |

CLE CREDIT AVAILABLE () YES () NO
If yes, how much? _____ Which State?



What did you like about the course?

What did you dislike about the course?

Additional Comments

| | |
|-------------|--------------|
| Name | Phone |
|-------------|--------------|

Appendix E. Directorate Lead Counsel Position Description

Directorate Lead Counsel (DLC) Position Description

Background.

The Office of the General Counsel (OGC) seeks to maximize its ability to provide effective and efficient legal services to all NASA Mission Directorates, while simultaneously providing an exceptional opportunity for developmental leadership, to increase diversity of legal community involvement, and, in certain cases, to provide a mobility assignment consistent with the NASA executive level development track. The Directorate Lead Counsel (DLC) Program is one critical element of the OGC approach to the achievement of these important goals.

Program Goals.

DLC Program primary goals are to:

- enhance Mission Directorate planning and operations;
- determine "best practices" to assess and improve both the legal support required by the Mission Directorate and the support actually being provided by the combined efforts of the OGC and the respective Office of Chief Counsel (OCC) at NASA Centers in support of Mission Directorate activities;
- facilitate coordinated legal activities across Mission Directorate Centers and advise the Mission Directorate Associate Administrator (AA) and the NASA legal leadership team on any and all matters as requested by the AA, Deputy AA or designee; and
- provide legal advice from the program perspective (legal advice from the substantive law perspective will continue to be provided either through the OGC or the OCC).

Concurrent DLC Program Objectives are to:

- familiarize the DLC with the Mission Directorate, including its missions, functions and areas of concentration;
- provide a high-profile leadership and career development opportunity by working directly for an Associate Administrator at the Mission Directorate level;
- maximize diversity of legal skills through developmental assignments.

DLC Responsibilities. The DLC shall:

- be the primary point of contact for the Mission Directorate in the legal community in Headquarters (the OCC remains the primary point of contact for the legal community for the

Mission Directorate in the Centers);

- provide direct advice and counsel to the Associate Administrator and as requested to the other senior leadership of the Mission Directorate on issues affecting the respective Mission Directorate;
- identify and coordinate the appropriate legal resources within the OGC and OCC when the necessary advice and/or counsel requires additional legal expertise beyond the range of capabilities of the DLC;
- direct, oversee, regulate, and coordinate the support provided by the OGC and the OCC in the most productive, efficient and effective manner for the benefit of the Mission Directorate;
- track all legal work being done by the OGC or OCC in support of the Mission Directorate(s) for which the DLC is responsible. To ensure the feasibility of this tasking, the relevant Associate General Counsel (AGC) or OCC shall keep the DLC informed of all legal activity being performed regarding programs or related matters within the relevant Mission Directorate; and
- closely coordinate with the respective AGC or Center Chief Counsel when relying on the OGC or the OCC in order to maximize support for the Mission Directorate.

Term of Appointment.

The DLC shall serve a term appointment for a period of one year, with the possibility of a six (6) month extension by mutual agreement between the Mission Directorate AA and the General Counsel, upon application of either.

Since the DLC Program is designed, in part, to provide leadership opportunities and diversity of legal professional experiences not otherwise available for NASA Headquarters and Center attorneys, the restriction on the term of assignment to the DLC Program is intended in part to maximize the opportunity for participation by those who would aspire to the DLC role.

While successive appointments within the same Mission Directorate is not permissible beyond the initial or shortly extended terms, nothing herein shall be construed to prohibit successive assignments within the DLC Program to other Mission Directorates, if consistent with the goals of the DLC Program.

Criteria for Appointment.

Those appointed to the DLC position will come from the ranks of experienced and superior performing legal professionals in the OGC or the OCC whose generalized and specific legal acumen can be effectively applied to achieve the stated DLC Program goals. Requests for nominations will be sought from the AGC and CCC communities, coming when feasible from those designated in the leadership track by the Agency Legal Leadership Team. Final selection shall be by the General Counsel and Deputy General Counsels, with the specific concurrence of the Associate Administrator of the Mission Directorate, and incumbents shall serve only so long as both the General Counsel and Associate Administrator find that service in the best interests of the Agency.

Program Responsibilities and Controls.

The DLC shall have direct access to and serve the Mission Directorate AA functionally and will be responsible to the MDAA in the context of daily tasking, assignment and operational control. The DLC will serve effectively as the primary legal advisor -- an adjunct general counsel -- to the Mission Directorate to which assigned. The DLC shall provide advice direct to the Mission

Directorate AA and to the leadership team of the Mission Directorate as directed by the Mission Directorate AA.

The DLC shall remain assigned within the OGC and carried on the OGC personnel roster while so assigned. The DLC will be an ex officio member of the OGC Leadership Team. Performance planning and evaluation will be provided by the OGC with input from the Mission Directorate AA.

The DLC will provide weekly reports to the Deputy General Counsel (DGC) and other OGC management officials as designated by the General Counsel. All administrative and logistical support matters shall be coordinated by and between the Deputy General Counsel for Administration and Management (DGCAM) and the DLC. The DLC will perform substantive legal work where appropriate but shall apprise the DGC, DGCAM, and relevant AGC and/or OCC, and provide recurring updates to ensure provision of effective and efficient legal services support to the Agency.

DLC Working Spaces.

The DLC shall have an office located in one or more of the Mission Directorates in which he/she serves where telephone and computer connectivity will be provided by the MDAA. The cognizant MDAA's remain responsible for providing suitable office space, travel and training funding for the assigned DLC throughout his or her tenure, consistent with NASA space allocation policies and requirements for space adequate to perform confidential legal services functions.