

Office of the Presiding Officer
Military Commission

July 19, 2004

**SUBJECT: Presiding Officers Memorandum (POM) # 3 - Communications,
Contact, and Problem Solving**

1. This POM establishes procedures concerning how counsel are to communicate with the Presiding Officer and the Assistant to the Presiding Officer (Mr. XXXX.) The Presiding Officer desires not only to avoid ex parte communications, but to ensure the accused receives a full and fair trial, that procedural matters leading to trial be handled efficiently, and that when counsel need to communicate with the Presiding Officer, it can be done efficiently and expeditiously.
2. The preferred method of communication with the Presiding Officer is email with CCs to opposing counsel and the Assistant. The following email protocols will be followed.
 - a. Do not send classified information or Protected Information in the body of an email or as an attachment.
 - b. Keep emails to a single subject whenever possible.
 - c. Identify, in the body of the email, each attachment being sent.
 - d. Text attachments will be in Microsoft Word. If a recipient does not have this program, text attachments will be saved and sent as RTF (rich text format) that can be opened by almost any word processing program. If an electronic version of a text attachment is not available, it will be sent in Adobe (PDF). Save the email you send in the event there is an issue as to the version of attachments being referred to.
 - e. If it is necessary to send images, JPG, BMP, or TIFF may be used. Consult the Assistant if you need to send other file formats.
 - f. Be attentive to the size of attachments. Send multiple emails with fewer attachments if necessary. Avoid archiving (WinZip) when possible.
 - g. If the Presiding Officer will need to know classified information to resolve the matter, advise him of that fact in the email and the location of the materials that he will need to review (if such facts or locations are not classified or Protected).
 - f. If any addressee notices an email was not CC'd to a person who needs to have a copy, forward a copy to the person who needs that email.

3. When telephonic conferences are necessary, the Presiding Officer will designate the person to arrange the conference call.

4. The Presiding Officer is responsible to insure that each accused receives a full and fair trial. As part of this responsibility, the Presiding Officer is available not only to resolve motions and make rulings, but also to insure that counsel have a place to go to get their problems resolved. Any counsel who has an issue which is not being, in her/his opinion, satisfactorily addressed by opposing counsel or by the Appointing Authority must present the problem to the Presiding Officer.

Signed by:

Peter E. Brownback III
COL, JA, USA
Presiding Officer