



Office of Member Advocacy and Legal Assistance
Special Victims Counsel, XXX
CG-LMA-A
(Office Address)

Phone: XXX-XXX-XXXX
Email: @uscg.mil

From: SVC Date
To: [CLIENT NAME]

SUBJ: SCOPE OF ATTORNEY-CLIENT RELATIONSHIP

I have been assigned to serve as your Special Victims Counsel (SVC) and as such will have the privilege of representing and forming an attorney-client relationship with you. I am highly committed to promoting and protecting your rights and interests and will strive to ensure that you receive competent and thorough assistance in addition to facilitating access to other support services available through the military. *Please note that speaking with me will not alter the nature of a restricted report, if applicable.*

The following provides a general outline of the nature, scope and limitations of the attorney-client relationship and the legal services available to you.

- 1. I Represent YOU, not the command or the Coast Guard.** I am licensed to practice law in the State of _____. I am certified by the Judge Advocate General of the Coast Guard to act as counsel in courts-martial, and I have been certified by the Judge Advocate General as an SVC. While I serve in the capacity as an SVC, my primary legal and ethical obligations as an attorney apply to you, not the government. This means that as your SVC, I will not disclose, discuss, participate in, or investigate any offense related to your report or otherwise advocate on your behalf without your express, informed consent.
- 2. Confidentiality.** As your attorney, the law recognizes that I shall not disclose any information contained in the files and records pertaining to your report without your express consent, except as clearly necessary to carry out an order of a military judge or, upon application, by order of the Coast Guard Court of Criminal Appeals or Court of Appeals for the Armed Forces. Accordingly, should I need to discuss your case with others, including your chain of command, the applicable legal office or Coast Guard Criminal Investigation Services (CGIS), I shall only do so after consulting with you and receiving your express, informed consent. Please note however, that exceptions to this rule exist and arise in limited circumstances.

Additionally, you may waive your privilege to attorney-client communications where matters related to your case are discussed in the presence of third-parties, including friends or relatives.

- 3. Scope of Representation.** I represent you and only you in legal matters related to, and stemming from, your report of sexual assault. My primary responsibility is to inform you of your rights and to protect those rights throughout the course of your representation.

For restricted reports, these legal services include but are not limited to:

- a. Protecting your right to be treated with fairness and respect;
- b. Advising you of and coordinating access to the authorized individuals to whom you may make disclosures. These include a Sexual Assault Response Coordinator (SARC), a Family Advocacy Specialist (FAS), a Victim Advocate (VA), a Coast Guard or Department of Defense (DoD) Health Care Provider (HCP) or a Chaplain;
- c. Assisting and providing legal guidance on changing a restricted report to an unrestricted report.

For unrestricted reports, these legal services include, but are not limited to:

- a. Protecting your right to be treated with fairness and respect;
- b. Advising you of additional individuals and services from whom you may seek assistance and support;
- c. Advising you of and protecting, 1) your right to be reasonably protected from the offender; 2) your right to be notified of court proceedings; 3) your right to be present at all public court proceedings unless the court determines your testimony would be materially altered if you heard other testimony; 4) your right to confer with government counsel in the case; 5) your right to receive restitution, if available; and 7) your right to know the outcome of trial and release of offender from confinement;
- d. Advocating on your behalf to various parties in the military justice system;
- e. Contingent on availability and at your request, attending in-person interviews with the government or defense. If scheduling conflicts prohibit in-person attendance, then participating via video-teleconference or other means;
- f. Accompanying you to all military justice proceedings for which you have a right to attend;
- g. In certain instances, advocating on your behalf in military justice proceedings where you are afforded an opportunity to be present and heard, including submitting legal arguments through written pleadings on your behalf and, if permitted by the court, submitting oral argument before the military judge.

4. **Limitations on Representation:**

- a. Criminal Matters before Non-Military Tribunals. While I can provide you general advice, SVCs face limitations in representing sexual assault victims before non-military tribunals, including both Federal and State court. If desired, you may

obtain civilian counsel at your own expense to represent your rights in criminal matters in the civilian system.

- b. Collateral Misconduct. “Collateral misconduct” includes violations under the Uniform Code of Military Justice (UCMJ) or conduct which may result in adverse administrative or other punitive action stemming from the same underlying offense. Should the issue of collateral misconduct arise, I will explain to you the potential consequences and prospective disciplinary action. Depending on the nature of the misconduct, I may advocate on your behalf in an effort to limit, to the extent possible, any disciplinary action against you. However, it may be necessary to seek the services of an attorney who specializes in defending members of the Coast Guard against disciplinary action. In those cases, I will coordinate your referral to the nearest Defense Legal Service Office who will assist you further with that particular matter.
 - c. Civil Matters. The scope of representation related to civil matters, including estate planning, family law, consumer law, or landlord/tenant rights, is limited. Accordingly, I will coordinate any referral to the nearest Legal Assistance Office should assistance related to these matters arise.
5. **Termination of Attorney-Client Relationship**. In general, the attorney-client relationship exists so long as matters requiring legal counsel related to the sexual assault remain outstanding or up until a client consents to the attorney’s withdrawal of representation.
- a. Termination following Restricted Report: Apart from a client consenting to a SVC’s withdrawal, the attorney-client relationship will terminate after the client has utilized and extinguished all applicable advocacy services available. Should a client later decide to modify a report to an unrestricted one, then if possible, the SVC who previously represented the client, after consultation and review of rights, will resume representation. Should the previous attorney be unavailable, then a new SVC will be assigned, and a new attorney-client relationship formed.
 - b. Termination following Unrestricted Report: The attorney-client relationship will terminate when no other legal aspects requiring attention or action on the part of the SVC remain. For example, termination of the attorney-client relationship occurs following the decision made by CGIS or the investigative agency to close the investigation, the decision of the Convening Authority to not prefer or to drop charges, the finding of not guilty at trial or the Convening Authority’s final action upon a military judge’s imposition of sentence following a guilty verdict. In the case of a guilty verdict, your SVC will continue to represent you during the post-trial, clemency, and, as necessary, appellate process.
 - c. Transfer of SVC: SVC who execute permanent change of station orders or separate from the Coast Guard during the course of representation will provide reasonable notice of the same to the client, provide assistance in acquiring a new

SVC, complete a thorough turnover with the new SVC to ensure continuity of legal services and will transfer all case materials related to the representation.

- d. Conflict of Interest: The attorney-client relationship will terminate in instances where unforeseen legal or ethical obligations arise, requiring recusal of the SVC based on a good faith determination that a conflict of interest exists. The same requirements set forth above during the transfer or separation of a SVC will apply.

I am available and happy to address any questions, comments or concerns that you may have during regular business hours at (XXX) XXX-XXXX. I can also be reached at @uscg.mil. If you have thoughts of harming yourself or suicide, emergency suicide crisis services are available 24/7 via the CG SUPRT Program, toll free at 855-CGSUPRT (247-8778) or via the Military Crisis Line, toll free at 1-800-273-8255. If you fear for your life or safety, call 911 immediately.

Date

[SVC NAME]
LT, USCG
Special Victims Counsel

By my signature below, I attest that I have read the above, reviewed the same with my SVC and that I understand my rights and the scope and limitations surrounding the attorney-client relationship. I also understand that the above does not contain each and every right, legal service available, limitation on representation or explanation of services that might apply during the course of my representation and that my SVC will provide continued and ongoing support, advice, and guidance throughout the course of my representation.

Date

[CLIENT NAME]
[RANK], USCG