

SVC CASE CHECKLIST

**** DURING INITIAL INTERVIEW OR SOON THEREAFTER DISCUSS ALL OF THE FOLLOWING ****

Who I Am

- Your attorney – Officer in CG, but don't represent CG. I represent YOU and only YOU.
- SVC role vs. TC/DC/SARC/VA

What I Do

- Advocate**: Protect and stand up for your rights. (Discuss Art. 6(b) Rights)
 - Protection
 - Notice (Hearings, trial, parole, ... anything affecting you)
 - Present (hearings, trial, etc.)
 - Heard (hearings, trial, parole, etc.)
 - Confer (w/ GOV)
 - Restitution
 - Speedy Trial (no unreasonable delay)
 - Fairness, Respect (Dignity, Privacy)
 - MRE 412, 513, 514, 615 Issues
- Counselor**: Provide advice, answer questions about process & rights, sounding board, connect w/ other services.

Attorney-Client Relationship

- Confidentiality
 - Like a priest
 - Attorney-Client Privilege (like a bubble)
 - COMMS with others (NOT privileged)
 - Social Media & Electronic COMMS (NOT privileged)
- My expectations (“Choice & a Voice”)
- Your expectations
- Goals

SVC CASE CHECKLIST

Process:

- Restricted vs. Unrestricted Reporting
- Investigation
- Charges (preferral / referral)
- Art. 32
- 39(a) Hearings (412, 513, etc.)
- Trial
- MRE 412 / 513 Issues
- Post-trial/appellate

Recurrent Issues:

- Safety Concerns
- MPO / TRO (If so, scope and duration)
- Medical Concerns
- Legal Assistance Issues
- Collateral Misconduct
- Expedited Transfer
- CG Victim Benefits
 - No-Fault Disenrollment in "A" School
 - No-Fault Absence from Service Wide
 - Convalescent Leave (30 days, approval process)
 - DV – Transitional Compensation
- Retaliation Issues and Policy

Questions / Concerns

SVC CASE CHECKLIST

Plan FWD

**** UPON FORMING ACR, DO THE FOLLOWING ****

- Send Scope of Representation Letter to Client
- Send Notice of Representation to:
 - TC
 - DC (if detailed or retained)
 - CGIS
 - CMD/SJA
- Request any needed medical / mental health records.
- Call SARC / TC to get factual background.
- Request copies of statements / ROI from TC / CGIS.

**** PRIOR TO START OF MILJUS PROCEEDINGS (Art. 32 or Preferral), DO THE FOLLOWING ****

- Request DC info from TC
- Send DC Notice of Representation
- Discuss Right to provide input re: prosecution venue (MIL or CIV)
- Review Art. 6(b) Rights
 - Does C wish to testify?
 - If so:
 - Discuss process, PROS / CONS
 - Provide Client w/ copies of statements
 - Schedule prep time
 - Does C wish to be present?
- Review MRE 412 / 513 Issues
 - If necessary, file written objection w/ PHO.
- Review client statements / ROI.
- File Notice of Appearance w/ PHO

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**** UPON REFERRAL, DO THE FOLLOWING ****

- Request MJ info from TC
- File NOA w/ MJ (copies to TC, DC)
- Confer w/ TC re: Trial/ 39a dates (or attend 802 scheduling conference)
- Obtain copy of Case Management Order
- Obtain copies of any relevant motions
- Prior to 39a, file any responses to relevant motions and/or file MIL's.
- Schedule prep time w/ Client for trial testimony
 - Ensure Client has copies of prior statements
- Coordinate TC prep time w/ Client
- Coordinate travel for 39a (including Client if testifying or attending)
- Coordinate travel for trial (including Client)
- Discuss right to be heard at sentencing
 - Send Victim Impact Questionnaire
 - Help draft unsworn statement (if applicable)

**** UPON TERMINATION OF ACR, DO THE FOLLOWING ****

- Discuss termination of ACR w/ Client
- Send Termination Letter to Client
- Complete SVC After-Action Report
- Send Copy of Case File and Return Client Materials:
 - Scope of Rep Letter
 - Client Statements
 - ROI (portions w/ details client statements)
 - Memos & Motions
 - Termination Letter
- Retain digital copy of case file
- Send digital copy of case file to OSVC

Closing SVC Cases in Three Steps

1. Ending Client Representation

At an event that triggers termination of representation, as contemplated under the Scope of Representation Letter or otherwise:

- *Call client to:*
 - Inform them that representation is being terminated
 - [Discuss the reason\(s\) and what termination of representation means](#)
 - Inform client that she/he will receive an email with a letter that memorializes the termination of representation
 - Inform client that she/he will receive an email with a link to a survey
- *Send email to client:*
 - With [termination letter](#) attached
 - With [link to survey](#) (<https://surveys.uscg.mil/Community/se.ashx?s=6F20F7740184A6D1>)

2. Complete After Action Report

[Fill out the After Action Report](#) and [submit it to the Member Advocacy Division](#) with your other files (*see below*)

3. Preserving Files

Once you have completed the above steps, you need to close out your files:

- Collect all of your files for the case (*See next page for list of files to submit*)
- Some files will be hard copy and others will be electronic, so [convert any hard copy files to digital form](#) (e.g. scan)
- Organize files for easy access later and [protect files as you would with any documents with Personally Identifiable Information \(PIII\)](#)

Send a copy of your files to the Member Advocacy Division:

- [Copy electronic files onto a CD](#) (AMRDEC upload program is not currently accepting documents with PII)
- [Encrypt the CD](#)
- [Mail the CD with your files via FedEx, to the address on the next page, to the attention of YN1 Steele.](#) Make note of the tracking number.
- Provide tracking number and password to YN1 Steele.

[Keep a copy of the files for your own records](#) and store in accordance with your state bar rules; the Member Advocacy Division will only store files for up to two years.

Files to Submit

At a Minimum, Submit the Following Documents:

- Detailing letter
- Scope of Representation letter
- Notice of Representation letter - Notice of Appearance motion
- Client in-take sheet
- Correspondence sent to CA regarding disposition or clemency
- Substantive emails sent to clients, TC, CGIS, and other parties pertaining to matters associated with carrying out representation of the client
- End of Representation Letters
- MRE 412/513 and other victim-related motions filed
- Any case documents provided to you by TC or CGIS (victim statement, ROI, Art 32 report, etc.)
- Any items provided to you by the client - including but not limited to medical records, release of medical records, statements
- After Action Report

Submit the Files to the Following Address:

U. S. Coast Guard
Office of Member Advocacy and Legal Assistance (LMA)
Attn: YN1 [REDACTED]
2703 Martin Luther King Jr Ave SE
Washington DC, 20593-7213