

**REPORT OF THE
JUDGE ADVOCATE GENERAL
OF THE
UNITED STATES COAST GUARD**



PRESENTED TO THE AMERICAN BAR ASSOCIATION

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TABLE OF CONTENTS

THE UNITED STATES COAST GUARD 3

ORGANIZATION 5

HOW WE PRACTICE 7

COAST GUARD PRACTICE AREAS 8

 Military Justice 8

 Maritime and International Law 9

 Civil Advocacy, Claims and Litigation 14

 Procurement Law 16

 Environmental and Real Property Law 18

 General Law 19

 Regulations and Administrative Law 20

 Office of Legislation 22

 Legal and Defense Services 23

FIELD LEGAL OPERATIONS 24

 Legal Service Command 24

 LANTAREA 25

 PACAREA 26

 First Coast Guard District 28

 Fifth Coast Guard District 29

 Seventh Coast Guard District 31

 Eighth Coast Guard District 33

 Ninth Coast Guard District 35

 Eleventh Coast Guard District 38

 Thirteenth Coast Guard District 39

 Fourteenth Coast Guard District 41

 Seventeenth Coast Guard District 43

 Coast Guard Academy New London, Connecticut 47

 Coast Guard Training Center Yorktown, Virginia 48

 Coast Guard Training Center Cape May, New Jersey 49

 Coast Guard Training Center Petaluma, California 50

THE UNITED STATES COAST GUARD



From its beginning, the United States has been a maritime nation, tied to the seas for security, commerce, and resources. To sustain its strength, America must protect its maritime borders from unlawful intrusion and uphold its maritime sovereignty, ensure the safe passage of cargoes and people and rescue those in distress, and prevent the misuse of the oceans and preserve its marine resources for future generations. The Coast Guard's value to America is in executing its roles of maritime safety, security, and stewardship. These roles are enduring, long-standing responsibilities, assigned to the Coast Guard over time since it was established in 1790:

Maritime Safety: *The Coast Guard ensures safe operation of the Marine Transportation System and protects the lives and safety of those on the sea; it responds to maritime disasters, natural or manmade, to protect lives and ensure safety in United States communities.*

Maritime Security: *The Coast Guard protects the United States maritime domain and the Marine Transportation System, and denies their use and exploitation by terrorists as a means for attacks on United States territory, population, vessels, and critical infrastructure; it upholds United States maritime sovereignty and enforces United States law, international conventions, and treaties against criminal activities, including halting the flow of illegal drugs, aliens, and contraband, and illegal fishing in our Exclusive Economic Zone; and it defends United States national interests in the maritime domain against hostile acts through military action.*

Maritime Stewardship: *The Coast Guard facilitates the economical movement of goods and people through the Marine Transportation System and maximizes access for recreational boating activity; it safeguards U.S. marine resources, threatened and endangered species, and the ocean from unlawful acts and environmental degradation; and it conducts maritime recovery operations in the aftermath of incidents of national significance, including transportation security incidents, to ensure the continuity of commerce and other critical port and waterway functions.*

Today, the Coast Guard is a military, multi-mission, maritime force within the Department of Homeland Security. It is one of the armed forces, a law-enforcement and regulatory authority, a member of the U.S. Intelligence Community, and a collaborative response partner with federal, state, and local agencies. The mission of the Coast Guard is to ensure the safety, security and stewardship of the Nation's waters. In its most simple terms, the Coast Guard's job is to protect those on the sea, protect the Nation from threats delivered by the sea, and to protect the sea itself. At the heart of this mission lay the twin imperatives of prevention and response. In the first instance, the Coast Guard must prevent potentially dangerous or illicit activities in the homeland's maritime environment, and secondly, it must respond rapidly and effectively when bad things do happen.

Its key strengths are its unique authorities and an expansive network of partnerships; flexible, adaptable operational capability and presence that allow it to meet all threats and all hazards; and access and relevant expertise within the international community. Missions are executed by shore-based multi-mission forces assigned to 35 sectors in 9 Coast Guard Districts; surface and air maritime patrol and interdiction forces, both surface and air, that range thousands of miles beyond our shores; and specialized deployable forces that include the Maritime Security Response Team and Maritime Safety and Security Teams designed to respond to terrorist threats; Port Security Units intended to support deployed Department of Defense (DoD) organizations; Law Enforcement Detachments that deploy on board United States and partner country naval vessels to provide independent, flexible, law enforcement capability; and the National Strike Force that responds to pollution and hazardous substance incidents.

We Protect Those on the Sea...

We Protect the Nation from
Threats Delivered by Sea...

We Protect the Sea Itself.

From the 2011 DHS White Paper on the U.S. Coast Guard:
http://www.uscg.mil/strategy/docs/WP/DHS_CGWP.pdf



ORGANIZATION

Tracing its history to the Act of Congress of May 26, 1906, that established a military discipline system for the Revenue Cutter Service, CGJAG has evolved in step with the expanding missions of the Coast Guard. Today, CGJAG's mission is to deliver high-quality legal advice and support to the people who carry out the varied functions of the Coast Guard to ensure their missions, operations and activities can be achieved within the spirit, as well as the letter, of the law.

Coast Guard legal services are provided by 287 attorneys (195 Judge Advocates and 92 civil service attorneys); 87 paralegals, legal technicians, and other support staff; and 25 Coast Guard Reserve judge advocates. Coast Guard legal professionals are located in 13 offices and staffs of the Judge Advocate General at Coast Guard Headquarters in Washington, D.C., and in 20 legal offices at major Coast Guard units. Out of the 195 Judge Advocates, 36 are currently performing out of specialty tours, such as the Seventh District Commander; Director, Joint Interagency Task Force South; and several Sector Commanders and Deputy Commanders. Currently four Judge Advocates are serving as Flag Officers. CGJAG has three distinct organizational groups:

Judge Advocate General. Offices and special staffs in the office of the Judge Advocate General exercise program oversight over activities within their practice areas. The Coast Guard Hearing Office adjudicates civil penalties for maritime safety and environmental violations. In addition, there are military attorneys assigned to the Department of Homeland Security and other government agencies. These include: Department of Justice, Department of State, and Department of Defense (U.S. Northern Command, U.S. Africa Command, U.S. Southern Command, Joint Interagency Task Force South, Naval Justice School, Naval War College, Defense Institute of International Legal Studies, and the Army Center for Law and Military Operations). In April 2012, CAPT Tim Connors became the Staff Judge Advocate of NORAD and U.S. Northern Command, marking the first time a Coast Guard judge advocate has served as the Staff Judge Advocate at a DoD Combatant Command.

Office of the Judge Advocate General



Legal Service Command. The Legal Service Command (LSC), with offices in Norfolk and Arlington, Virginia, and Alameda, California, provides field-level legal support in environmental law, procurement law, employment and civilian personnel law, real property law, fiscal law, claims, collections, and military justice for the Coast Guard's Mission Support commands and subunits, and legal assistance for the Fifth and Eleventh District geographic areas. The LSC is comprised of 90 active duty military members, reservists, civilians and Auxiliarists organized into four divisions covering the practice areas of military justice (criminal law); claims, collections, and litigation; contract and fiscal law; and mission support (property, environmental compliance, information law, ethics/standards of conduct, legal assistance).

Field Legal Offices & Staffs. Military and civilian attorneys are assigned to every Flag operational command, including the Atlantic and Pacific Areas located in Portsmouth, Virginia and Alameda, California and the Coast Guard's nine Districts (Boston, Portsmouth, Miami, New Orleans, Cleveland, Alameda, Seattle, Honolulu, and Juneau). Staff judge advocates or other counsel support the Coast Guard Academy, Training Center Yorktown, Training Center Cape May, Training Center Petaluma, the National Pollution Funds Center, Personnel Service Center, Pay & Personnel Center (Topeka), and the Research & Development Center. These staffs and counsel report to the local commander but are under the technical supervision of the Judge Advocate General.

For additional information, <http://www.uscg.mil/legal/> provides public access to materials including opinions of the Coast Guard Court of Criminal Appeals (http://www.uscg.mil/legal/cca/court_of_criminal_appeals.asp), and the Coast Guard Legal Assistance Web Portal (<http://www.uscg.mil/legal/la/>). Recruiting information is at: http://www.uscg.mil/legal/recruit/Career_Home.asp.

HOW WE PRACTICE

CGJAG'S TEN CORE VALUES

Legal Knowledge: Exercise a mastery of the law.

Ethics and Professional Responsibility: Uphold the highest ethical standards.

Responsiveness: Advise and counsel at the right place and right time.

Advocacy: Represent our clients zealously and skillfully by being both effective speakers and thoughtful listeners.

Partnering: Work with Coast Guard decision-makers at all levels, understand their business, and give them the capabilities they need to get their jobs done.

Leadership: Develop skills needed to lead in the world's best Coast Guard.

Adaptability: Look forward to change and the personal and professional challenges it creates.

Watch-Standing: Remain vigilant and ready to respond to known and unknown legal risks and operational contingencies.

Technology: Use technology to maximize the delivery of legal services.

Diversity: Include diverse opinions and backgrounds in shaping CGJAG and legal advice.

PRINCIPLES FOR THE DELIVERY OF LEGAL SERVICES

The effective, efficient and safe delivery of Coast Guard mission services is the ultimate purpose of the Coast Guard and the Coast Guard Legal Program.

- *We serve to support the Coast Guard's missions and people.*
- *Every member of CGJAG will endeavor to ensure that all Coast Guard programs are executed within the letter and spirit of the law.*

We all share responsibility for the delivery of legal services.

- *Legal services will be in time, right, and precise; they will be anticipatory and preventive, as well as responsive.*
- *Legal services will be aligned and consistent, and integrated across subject-matter areas and echelons.*
- *There is no "wrong" legal office for a client to call.*
- *We deliver ethical and responsible legal services.*

We serve the Coast Guard and our clients.

- *Any Staff Judge Advocate may communicate directly with other legal leaders, the Deputy Judge Advocate General, or the Judge Advocate General when necessary to protect Coast Guard interests.*
- *Judge advocates and civilian counsel may consult with higher authority when necessary to protect Coast Guard interests.*

All of CGJAG is available to support the Coast Guard and our clients.

COAST GUARD PRACTICE AREAS

CGJAG is a “full-service” legal support organization with nine legal practice areas:

Military Justice

As an armed force, members of the Coast Guard are subject to the Uniform Code of Military Justice. Coast Guard judge advocates serve as defense counsel and prosecutors for courts-martial and as military judges. Judge advocates assigned as appellate government and defense counsel brief and argue cases before the Coast Guard Court of Criminal Appeals, the Court of Appeals for the Armed Forces, and the U.S. Supreme Court. Coast Guard attorneys at field offices serve as Staff Judge Advocates providing advice on military criminal matters to field commanders.

Courts-martial and Non-judicial Punishment.

	<u>2012*</u>	<u>2011</u>	<u>2010</u>	<u>2009</u>
General Courts-Martial	10	06	12	12
Special Courts-Martial	13	25	18	19
Summary Courts-Martial	10	16	06	14
Total Courts-Martial	33	47	36	45
Non-judicial Punishment	716	943	888	1,052

*As of 25 June 2012

Appellate Activity. As of 25 Jun 2012, the Coast Guard Court of Criminal Appeals has issued 14 opinions for Fiscal Year 2012. The Court is composed of 1 full-time Chief Judge (civilian), and 5 collateral-duty appellate judges. Presently, the collateral duty judges consist of 3 active duty Coast Guard Judge Advocates and 2 civilian attorneys from the Office of the General Counsel, Department of Homeland Security.



Maritime and International Law

As the nation's only armed force with domestic law enforcement authority, the Coast Guard is involved daily in enforcing federal law in the areas of drug interdiction, immigration, marine environmental protection, marine safety, fisheries, maritime security, and general federal laws applicable at sea. The Office of Maritime and International Law at Coast Guard Headquarters plays a prominent role in the development and implementation of Coast Guard policy in these areas and in providing real-time advice to Coast Guard operational commanders. The Office of Maritime and International Law also leads Coast Guard efforts in the international legal community as a fully participating member of the U.S. delegation to the International Maritime Organization. The Office of Maritime and International Law is divided into three branches, the Operations Law Group, which addresses issues related to law enforcement, living marine resources, search and rescue and defense operations; and the Prevention Law Group, which addresses issues concerning vessel safety, security and protection of the marine environment. Finally, there is an intelligence law branch that is embedded with our Intelligence program. In addition, the Office of Maritime and International Law oversees over a dozen "embedded" attorneys working directly in the offices of their clients that cover a broad range of issues ranging from intelligence to vessel documentation to oceans policy integration.

International Activities:

International Maritime Organization. Coast Guard attorneys serve as advisors or representatives of the United States at meetings of the International Maritime Organization (IMO), headquartered in London, England, including the Maritime Safety Committee, Subcommittee on Flag State Implementation, Subcommittee on Safety of Navigation, Legal Committee, the Marine Environmental Protection Committee, the Radio-communications and Search and Rescue Subcommittee, Legal Committee, and the Meeting of Contracting Parties to the London Convention and London Protocol.



IMO Legal Committee. At IMO's Legal Committee, the U.S. delegation shaped important international initiatives regarding piracy, fair treatment of seafarers, pollution enforcement, and liability and compensation for damage from trans-boundary oil pollution damage from offshore exploration. The Chief of the Office of Maritime and International Law serves as the Head of the U.S. delegation to the Legal Committee.

International Agreements. Coast Guard attorneys facilitated several international agreements this past year, including the development of principles for member governments wishing to participate in IALA-NET, an AIS (Automatic Identification System) information sharing network using the United States' Marine Security and Safety Information System (MSSIS), European (HELCOM) and China maintained servers, to be incorporated into an IALA (International Association of Marine Aids to Navigation and Lighthouse Authorities) document. Concept is for a "statement of

intentions” (vice an international agreement), subscribed to by member governments as a condition of access and by which access to the system and use of the information would be set forth; two proposed codes were approved by the IMO Flag State Implementation sub-committee and forwarded to IMO parent committees (Maritime Safety Committee (MSC)/Marine Environmental Protection Committee (MEPC)) for consideration; Co-sponsored successful proposal to International Mobile Satellite Organization (IMSO) Assembly regarding reduction in Long Range Identification and Tracking (LRIT) audit fees primarily through restructuring of the IMSO directorate; and assisted our programs with IMO Council and Assembly issues arising from Legal Committee, including the proposal for a liability and compensation regime for transboundary oil pollution and collation and preservation of evidence and medical and pastoral care of victims of crimes at sea.

Preparations for Commercial Drilling in the Cuban EEZ. One of the most challenging and interesting set of legal issues faced this past year involved preparations to respond to potential oil spills from commercial drilling operations in the Cuban Exclusive Economic Zone. Coast Guard attorneys provided ongoing advice and support to our spill response program and our Seventh District in Miami (D7) on multiple, complex issues (operational, policy and legal) associated with preparing for a transboundary spill originating on the Cuban continental shelf.

Arctic Shield 2012. Another major project this year has been legal support for extended Coast Guard operations in the Arctic. With Shell Oil being permitted to drill in the Chukchi and Beaufort Seas, the Coast Guard was challenged with providing response assets and capabilities in an area where permanent Coast Guard infrastructure does not exist. Coast Guard attorneys reviewed oil spill response plans, drilling permits, drafted safety zones, and worked on interagency working groups to prepare for summer operations under Operation Arctic Shield. The Seventeenth District is the spear head for the Arctic operations.

Prevention Law Activities:

Environmental Issues. Coast Guard attorneys have continued work on a variety of environmental issues including development of a Notice of Proposed Rulemaking for Ballast Water, Regulated Navigation Areas and Safety Zones to combat the threat posed by Asian carp to the Great Lakes, and with the Environmental Protection Agency on implementation of MARPOL Annex VI, and the Vessel General Permit under the Clean Water Act NPDES program for discharges from vessels. With the passage of Title X of the 2010 Coast Guard Authorization Act, Coast Guard attorneys continue to actively pursue strategies for



implementing the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001.

Law of the Sea Convention. The Judge Advocate General and Coast Guard attorneys worked closely with interagency partners to prepare background papers and respond to inquiries from Senators and their staffs for information and briefings. Coast Guard Commandant, Admiral Robert Papp, testified in support of the Convention as part of a military panel before the Senate Foreign Relations Committee.

Outer Continental Shelf Issues. Coast Guard attorneys have focused on supporting regulatory initiatives governing activities conducted on the U.S. outer continental shelf. We have assisted a Coast Guard rulemaking team updating 33 C.F.R. Subchapter N on a wide variety of issues including regulation of large offshore supply vessels, vessels utilizing dynamic positioning systems, vessels providing accommodation services, mobile offshore drilling units, and vessels engaged in activities supporting alternative energy development on the outer continental shelf.

Other Arctic Developments.

Coast Guard attorneys have been actively engaged in a number of issues involved with expansion of commercial maritime transportation along the Arctic border. Coast Guard attorneys advise Coast Guard leadership, as part of the United States delegation to the Arctic Council, and on Law of the Sea matters



concerning emerging shipping areas. This fall the Arctic Council will take up environmental protection issues in order to shape conventions on pollution prevention and response. At IMO, Coast Guard attorneys are working on the development of a Polar Code, which addresses shipping standards for operating in polar environments.

Environmental Crimes. In 2011, the number of environmental crimes cases referred to the Department of Justice for prosecution, saw a typical rate of referrals. These cases normally involve the intentional bypassing of pollution control equipment on ships, resulting in the discharge of oily wastes and other hazardous substances into the sea. Referrals normally average 12 cases per year (or about one-quarter of 1 percent of all port state control boardings conducted).

Japanese Tsunami Response. Coast Guard attorneys, working as part of the interagency legal network, worked on legal issues associated with the sinking of a derelict Japanese vessel that had drifted to the Alaska region as part of the marine debris field created by the March 2011 Japanese tsunami.

America's Cup 34. Coast Guard attorneys assisted our commercial vessel program and our Eleventh District staff with preparations for the America's Cup event in San Francisco scheduled for September 2013. The anticipated presence of foreign flagged media/official vessels create potential Jones Act and Passenger Vessel Safety Act (PVSA) concerns that have been raised with the Americas Cup Committee.

Resupply of Nome, Alaska - Jones Act Waiver. Coast Guard attorneys coordinated with USNORTHCOM and interagency partners to facilitate a Jones Act waiver for the Russian T/V RENDA, under escort by the Coast Guard icebreaker HEALY, so that it could provide fuel to Nome, AK in December 2011. On a tight timeline, Coast Guard attorneys worked with DHS to ensure that the waiver request and supporting documentation was approved prior to the vessel's scheduled date of departure en route Nome.



100th Anniversary of RMS TITANIC. A Coast Guard attorney was an active participant in the interagency legal working group on TITANIC anniversary activities. This working group coordinated Coast Guard participation in the 100th anniversary of the TITANIC sinking.

National Ocean Council. Coast Guard attorneys are assisting with implementation of the President's ocean policy as set forth in Executive Order 13547, *Stewardship of the Ocean, Our Coasts, and the Great Lakes*, which adopts the Final Recommendations of the Interagency Ocean Policy Task Force and created the National Ocean Council (NOC).

***Pacific Merchant Shipping Ass'n v. Goldstene*, 639 F.3d 1154, (9th Cir. 2011).** In response to a request for agency views, Coast Guard attorneys prepared position papers and provided input to the DHS memo to the Office of the Solicitor General. CG attorneys also coordinated positions with the Departments of Transportation, Defense, and State and the EPA regarding preemption under the *U.S. v. Locke* principles of California Air Resources Board air emission rules as applicable to vessels in interstate and foreign commerce, and attended numerous inter-agency meetings to answer questions from Assistant Attorney General (Environment and Natural Resources Division), and Deputy Solicitor General to influence the amicus brief requested by the Supreme Court. Certiorari was denied.

***City of Riviera Beach v. Certain Unnamed Gray, Two-Story Vessel*, 649 F.3d 1259 (11th Cir. 2011), cert. granted sub nom. *Lozman v. City of Riviera Beach*, 132 S. Ct. 1543 (No. 11-626), 2012 WL 538329 (Feb. 21, 2012).** The Judge Advocate General and Coast Guard attorneys worked with the Office of the Solicitor General to prepare an *amicus* brief in this case. The issue framed for the Supreme Court was whether a floating structure that is indefinitely moored, receives power and other utilities from shore, and is not intended to be used in maritime transportation or commerce, constitutes a "vessel" under 1 U.S.C. § 3, thus triggering federal maritime jurisdiction. In what will likely be a *Stewart v. Dutra Construction Co.*, 543 U.S. 481 (2005) redux, we provided input to a

DHS memo to DoJ OSG to influence content of U.S. *amicus* brief requested by the Supreme Court, after it had decided to review the case, and attended numerous interagency meetings on “what is a vessel” under 1 U.S.C. § 3 due to impact of a Supreme Court decision on that subject on USCG operational programs.

Response Law Activities:

Multi-Lateral Maritime Counter-Drug Summit. In September 2011 and March 2012, members of the Response Law Group (RLG) attended the Multi-Lateral Maritime Counter Drug Summits (Multi-Lat) in San Francisco, California and San Juan, Costa Rica, and led the “Emerging Legal Issues” Working Group. This working group serves as a forum for partner nations to discuss the development of country specific case-package lists to help boarding officers in refining case packages and a legal authorities matrix that will provide participants with a better understanding of each others’ laws.

Support to AFRICOM. The Response Law Group continues to work with U.S. Africa Command to support African Maritime Law Enforcement Partnership (AMLEP) operations. AMLEP is a combined law enforcement program designed to build partner nation maritime law enforcement capacity and help detect illicit activities within Exclusive Economic Zones through joint law enforcement operations. Coast Guard attorneys have conducted assessments of several partner nations and provide real-time legal advice in support of AMLEP operations.

Support for Coast Guard Operations. The Judge Advocate General and Assistant Commandant for Operations established the Response Law Group, formerly the Operations Law Group, to provide expert, flexible, continuous, and close support to Coast Guard operations, and to train and develop operational lawyers. As part of this mandate, judge advocates stand an operations law duty watch on a 24/7 basis providing real time advice to operational units during the prosecution of Coast Guard cases including drug, migrant, fisheries, proliferation security, and piracy cases. Other judge advocates perform similar duties for Coast Guard operational commanders. Judge advocates provide close support to Maritime Operational Threat Response cases and play a key role in developing preferred national outcomes.

Intelligence Law Activities:

Intelligence Oversight Inspection. The Coast Guard became a member of the Intelligence Community (IC) in December of 2001 with the signing of the Intelligence Authorization Act for Fiscal Year 2002. The Coast Guard Intelligence and Criminal Investigations Enterprise (CG-2) are divided into two elements. The Law Enforcement Intelligence Element (LEIE) is the CG-2 element that plans, directs, collects, reports, processes, exploits, analyzes, produces and disseminates information pursuant to Coast Guard law enforcement and regulatory authorities. The National Intelligence Element (NIE) is the CG-2 element that conducts intelligence activities under the Coast Guard's authority as an IC member, which is codified in Section 1.7(h) of Executive Order 12333. The Coast Guard Judge Advocate General manages an Intelligence Oversight Program to

ensure the NIE conducts intelligence activities in compliance with the law. As part of this program, the Judge Advocate General tasks Coast Guard attorneys to conduct a formal inspection of the NIE every two years.

Cybersecurity. Coast Guard attorneys continue working closely with the Coast Guard's Intelligence staff and the Coast Guard Cyber Command Pre-commissioning Detachment to determine the roles and responsibilities of a future Coast Guard Cyber Command. The legal analysis has focused on Coast Guard legal authorities that have potential application to cybersecurity. Additionally, Coast Guard attorneys have collaborated with attorney counterparts in the Department of Homeland Security National Protection and Programs Directorate and U.S. Cyber Command to better understand how the Coast Guard can work with these partners to improve cybersecurity for public and private computer systems, including critical maritime infrastructure.



Civil Advocacy, Claims and Litigation

Coast Guard attorneys actively manage an extensive claims program under several federal statutes. These involve not only adjudicating claims made against the agency, but also collecting monies owed the government due to penalties assessed for violations of federal law, for damage to Coast Guard property, and for cleanup & recovery costs. Coast Guard attorneys are actively involved in a wide variety of civil litigation, from simple tort defense to Constitutional challenges. Two Judge Advocates are assigned to the Department of Justice where they provide valuable Coast Guard experience to Department of Justice attorneys.

The Office of Claims and Litigation, in support of its partners from the Department of Justice and various United States Attorney Offices, continued to defend and assert the Coast Guard's legal interests in a panoply of cases related to its internal operations and eleven statutory missions. Notably, the Office handled cases related to: claims of negligence in carrying out search and rescue, law enforcement, and Aids to Navigation; defense of *Bivens* actions, military personnel pay and discharge matters; and matters arising from the *Deepwater Horizon* disaster. Examples of significant litigation are reported below.

U.S. v. BP Exploration & Production, Inc., et al., 2:10-cv-04536-CJB-SS (E.D.L.A) (MODU DEEPWATER HORIZON--FPN: N10036). There are over four hundred cases and two class actions pending in the Multi-District Litigation for *Deepwater Horizon* with Honorable Carl J. Barbier in the Eastern District of Louisiana. On August 4, 2010, the United Agency jointly referred to the Department of Justice Clean Water Act §311 civil penalties claims for *Deepwater Horizon* oil discharges. On December 15, 2010, the United States officially filed a Complaint in the MDL action against BP,

Anadarko Exploration & Production LP, Anadarko Petroleum Corporation, MOEX Offshore 2007 LLC, Triton Asset Leasing GMBH, Transocean Holdings LLC, Transocean Offshore Deepwater Inc., QBE Underwriting LTD., and Lloyd's Syndicate 1036. The United States alleges that Defendants BP, Anadarko, and MOEX as co-lessees, and MODU operator Transocean are each subject to a judicially assessed civil penalty of up to \$1,100 per barrel of oil that has been discharged or up to \$4,300 per barrel of oil that has been discharged, to the extent that the discharge of oil was the result of gross negligence or willful misconduct by such Defendant. Discovery is currently underway—to date nearly 200 depositions have been conducted—and the trial is scheduled for January 2013.

Deborah Miller, et al. v. United States, (N.D. Ohio)/ related matter Ashley Franklin v. United States, (N.D. Ohio). *Miller v. U.S.* is a wrongful death action. Plaintiff alleges that Coast Guard negligently permitted the vessel SECRET FORMULA to continue on his voyage with improper navigation lighting. The SECRET FORMULA was boarded by two U.S. Coast Guard officers on the evening of June 15, 2008 due to a missing masthead or stern lights. The vessel displayed red and green side lights, but did not display the required 225-degree forward-facing white masthead light, or the 135-degree rear-facing white stern light. The vessel was approximately 41 feet, which under the Inland Navigation Rule 23 requires a forward-facing 225-degree masthead light and a rear-facing 135-degree stern light. The Rules do not provide for a 360-degree “all-round” type light. Despite this, the CG Boarding Officer concluded that the 360-degree light would be a sufficient temporary correction and the operator was allowed to proceed on his voyage. Subsequently, the SECRET FORMULA was in a collision with SEA RAY and Mr. Miller sustained fatal injuries. *Franklin v U.S.* was filed subsequently on May 28, 2010, alleging the United States negligently caused the collision on June 15, 2008, in which she was personally injured. The *Miller* and *Franklin* cases were consolidated for discovery purposes.

The Court granted the Government’s Motion to Dismiss both pending cases filed against the U.S. The issue before the court was whether the relevant statutes, regulations, and policies prescribed a mandatory course of conduct for the Coast Guard’s encounter with the boarded vessel, or whether the Coast Guard was free to exercise a truly discretionary choice. The U.S. argued that these guidelines provide for discretion in how the Coast Guard conducts enforcement, while placing the onus of compliance on the vessel’s operator. Conversely, Plaintiffs argue that the Inland Navigation Rules themselves control the issue since the Coast Guard boarded the vessel to enforce them. Upon examination of the relevant authorities, the Court found that the Plaintiffs failed to point to any statute, policy, or regulation specifically mandating the manner by which the Coast Guard Boarding Officer should have remedied the lighting violation and dismissed all claims against the U.S.

Jory v. U.S., 11-cv-02213-CKK (D.D.C.). In November 2008, Plaintiff served as a seaman aboard the SEA FOX, operating in the Gulf of Mexico. After a series of altercations with the master of the SEA FOX, the Coast Guard temporarily suspended Plaintiff’s merchant mariner’s license, and initiated administrative proceedings to revoke

Plaintiff's license. The Administrative Law Judge revoked Plaintiff's mariner's license on December 5, 2008 and the Commandant upheld the decision on appeal. Plaintiff sued the Department of Homeland Security seeking review of the Commandant's decision to revoke his merchant mariner credential. The Court granted the U.S.'s motion to dismiss on May 10, 2012 finding that the appeal of the Commandant's decision must be taken to the NTSB and that a final decision of the NTSB can be further reviewed by an appropriate Court of Appeals of the United States; therefore, neither the District Court nor the Department of Homeland Security have jurisdiction to hear Plaintiff's appeal.

Procurement Law

Coast Guard procurement law attorneys enable the Coast Guard to acquire the products and services necessary for mission success. The legal counsel provided covers all aspects of the acquisition cycle, from acquisition planning through contract close-out. The procurement law attorneys also provide representation in contract litigation before the Government Accountability Office (GAO) and the Civilian Board of Contract Appeals (CBCA), and in federal courts in concert with the Department of Justice. Additionally, the practice includes legal advice and analysis about planned policies, laws and regulations which will affect Coast Guard procurements, and counsel on suspension and debarment, and contract fraud issues. Attorneys in the Headquarters Office of Procurement Law, Research and Development Center, and the Legal Service Command provide contract law advice to management, technical, and contracting officials at all levels. This ranges from daily advice to field level contracting officers to comprehensive procurement law counsel on approximately 20 currently underway major projects that are part of the Coast Guard's acquisition investment portfolio of over \$27 billion. Advice is provided from the earliest acquisition planning stages through contract administration.

Several on-going major and significant systems projects are supported by Procurement Law project counsel, including:

National Security Cutter (NSC). The NSC is the largest and most technically advanced class of cutter in the United States Coast Guard. It will replace aging 378' Secretary Class cutters. Three NSC cutters have been built, and a fourth and fifth are currently under construction under a fixed price contract. The fixed price contract for the NSC 6 Long Lead Time Materials was signed this past spring. A request for proposal was submitted to Huntington Ingalls for the construction of NSC 6. Negotiations for NSC 6 will commence once the Coast Guard receives a proposal from the contractor. It is anticipated that the Coast Guard will award the production contract for NSC 6 in FY 13.

Fast Response Cutter (FRC). The Coast Guard has taken delivery of the first Sentinel-class FRC, a 154-foot multi-mission cutter that replaces the aging Island-class 110-foot patrol boat. The Coast Guard anticipates taking delivery of one FRC per quarter during the next three years. While this effort is in Low Rate Initial Production, with builder's trials and acceptance testing ongoing for each FRC delivered, the FRC, a \$1.3 Billion program, is a major part of the Coast Guard's recapitalization effort.



Off Shore Patrol Cutter (OPC).

The OPC procurement, at an estimated \$8.1 Billion, will be the largest single class cutter acquisition, in terms of cost, in Coast Guard history. The Coast Guard intends to competitively award the Phase 1 contracts in Fiscal Year (FY) 2013. A maximum of three Firm Fixed Price contracts for Preliminary and Contract Design will be awarded. After Phase 1, the three

contractors will submit proposals which will result in a down-selection to one contractor to continue with Phase 2 for the final design and production of the OPC. In June 2012, the Coast Guard released a draft request for proposals (RFP). This release continues the Coast Guard's strategy of balancing Coast Guard mission requirements with prudent cost-control measures by actively engaging industry early in the acquisition process.

The Maritime Patrol Aircraft (MPA). The HC144A Ocean Sentry-class MPA is the first all new aircraft delivered to the Coast Guard during recapitalization. The MPA is based on the highly successful CASA CN-235 military airplane, already in use around the world as a patrol, surveillance and transport platform. The HC 144-A MPA will replace the HU-25 Falcon jets as the Coast Guard's medium-range surveillance aircraft. The Coast Guard exercised a contract option on April 4, 2012 to procure the service's 16th and 17th HC-144A MPA from EADS North America. The option, worth \$78.54 million, is part of a firm, fixed-price contract awarded in August 2010 for three aircraft, with four options for up to six additional aircraft. Delivery of the 16th and 17th MPA is expected in 2014.

Technical, Acquisition and Business Support Services (TABSS) Acquisition. The attorneys in CG-0949 have provided legal support for a very large support contract to support the Department of Homeland Security programs. TABSS is in the process of selecting contractors to provide technical, acquisition and business support to all DHS components in a wide range of procuring activities. Multiple Indefinite Delivery Indefinite Quantity (IDIQ) contracts will be awarded to small, small disadvantaged, and serviced disabled owned businesses, as well as large businesses. The program is expected to provide \$11 Billion in services to all DHS components.

Environmental and Real Property Law

Attorneys located in the Office of Environmental Law and in the Legal Service Command provide specialized environmental law advice to other Coast Guard programs, particularly the engineering environmental compliance staffs. Attorneys in field offices provide "front-line" counsel to their commanders regarding their compliance obligations and responsibilities and advise environmental specialists on environmental cleanup necessary to ensure that all real estate conveyed to states and other non-federal entities is safe for the purpose the recipients intend to use the land and is done in a cost-effective manner. Our attorneys review plans for all major construction projects to ensure the Coast Guard builds new facilities in full compliance with real estate, environmental, and fiscal laws and provide advice and support for all Coast Guard real property matters including its management, acquisition and disposal. When issues arise, Coast Guard environmental lawyers work closely with their counterparts in enforcement agencies to reach acceptable solutions.

Protection of Sensitive Coral Resources.

The Coast Guard Aids-to-Navigation (ATON) Program sought assistance in evaluating their legal obligations to protect coral reefs while conducting essential operations to designate safe navigational routing. Working with client program managers and pertinent wildlife management agencies, the office assisted in outlining essential steps to ensure that such operations are conducted within legal guidelines.



Coast Guard Real Estate Practice. The office assisted Coast Guard real estate managers in updating and publishing a Coast Guard-wide Real Property manual, which provides policy and guidance to insure that all Coast Guard real property transactions are performed with due diligence, and with the appropriate legal authorities. The office also provided counsel on several sales of property undertaken pursuant to a new property divestiture authority recently granted by Congress. Sale of property represents an entirely new business line for the Coast Guard.

General Law

Coast Guard attorneys provide legal advice on issues including federal fiscal law, gift acceptance and standards of ethical conduct for government employees, military and civilian personnel law, civil rights, intellectual property, health care, privacy and information law. In addition, Attorneys at the Office of General Law at Headquarters and at the Legal Service Command provide advice and represent the Coast Guard on matters involving the Merit Systems Protection Board, Equal Employment Opportunity Commission, and labor relations.

Fiscal Law Practice Area. Attorneys in the Fiscal Law Practice Group provide advice and legal services on the financial aspects of Coast Guard operations. The Fiscal Law Practice Group advised Coast Guard leadership on major projects with nationwide and international impact, including funding the purchase of additional medium response boats, National Security Cutter post-delivery activity funding, and budgeting and execution of appropriations for anti-terrorism activities. Expert drafters, Fiscal attorneys were relied on to craft language for appropriations bills and legislation with a budgetary nexus. Fiscal attorneys provided support to the Coast Guard's Chief Financial Officer in developing and implementing new business rules associated with conference events, and provided legal determinations in dozens of cases involving conferences. The Fiscal Law Practice Group has advised on appropriations and authorities issues related to the relocation of Coast Guard Headquarters to a new facility at the former St. Elizabeth's Hospital in Southeast Washington, D.C. Finally, Fiscal Law attorneys continued to assist in a major revision to the Coast Guard's most important fiscal policy document, the Financial Resource Management Manual.

Information Law. Our Information Law attorney provides legal advice to Coast Guard programs receiving requests under the Freedom of Information Act (FOIA) and the Privacy Act and reviews denials for legal sufficiency. Notably, the Information Law attorney played a key role in making government records available, in a timely and comprehensive manner, to family members of Coast Guard personnel killed in mishaps. The Information Law attorney guided Coast Guard directorates in the aftermath of *Miner v. Dep't of the Navy*, which overturned thirty years of established FOIA precedents and significantly narrowed the scope of FOIA Exemption 2 (records related to the internal personnel rules and practices of an agency). In addition, our Information Law attorney worked with the DHS Office of General Counsel to attain trademark registration of the Coast Guard emblem.



Personnel Law. For the period of July 2011 to the present, Coast Guard Employment and Labor Law attorneys handled 79 Equal Employment Opportunity (EEO) Commission, Merit Systems Protection Board (MSPB) and Military EEO cases, and assisted the Department of Justice with cases in Federal District and Appellate Courts. In addition, Coast Guard Employment and Labor Law attorneys provided command advice to Coast Guard leadership in 210 cases.

Ethics. For the period of July 2011 to the present, the Coast Guard's Ethics attorney handled over one thousand ethics matters, including advice on matters of misuse of position, lobbying, gifts, conflicts of interest, outside employment/activities, and fundraising. The Ethics attorney manages the Coast Guard's decentralized Confidential Financial Disclosure Report (CFDR) program (over 1100 filers) as well as the Coast Guard's Public Financial Disclosure Report (PFDR) program. In addition, the Ethics attorney provided legal advice and guidance to Coast Guard employees affected by the Stop Trading on Congressional Knowledge (STOCK) Act. One of the provisions of the Act directs the President to ensure that financial disclosure forms filed in calendar year 2012 and subsequent years by executive branch employees are publicly available on appropriate official websites of executive branch agencies within 30 days after such forms are filed.

Administrative Law. This practice group of military attorneys advises senior program managers on a broad array of legal issues related to the efficient administration of the Coast Guard. During the past year, they played a key role in developing changes to Coast Guard policy stemming from a spate of serious vessel and aircraft mishaps. Their work, besides improving safety, instilled confidence in service members and family members that the Coast Guard took seriously its mission to draw lessons learned from these tragic events.

Regulations and Administrative Law

The Coast Guard is charged with developing and enforcing regulations to ensure the safety of marine navigation, protect the environment, conduct search and rescue, enforce laws & treaties, and increase marine security. Coast Guard attorneys draft new regulations based on those mandates and also provide advice to field commanders on the implementation of all existing regulations and their enforcement and applicability. The Office of Regulations and Administrative Law also manages the Coast Guard regulatory agenda, oversees regulatory initiatives, works with field attorneys on local field regulations, provides advice about the Federal Advisory Committee Act, and responds to recommendations and complaints of Coast Guard rulemaking actions filed by the public.

The Coast Guard's rulemaking program continues to balance a portfolio of regulations touching on a wide variety of Coast Guard missions, including maritime security, maritime safety, and environmental stewardship. Since last year's report, the Coast Guard published 638 field regulations, 6 Headquarters proposed rules, 7 Headquarters notices related to Headquarters rulemaking projects (such as a notice of intent, inquiry, or availability, or a withdrawal), 3 Headquarters interim rules, and 12 Headquarters final rules.

Standards of Living Organisms in Ships' Ballast Water Discharged in the U.S. Waters (Final Rule; March 23, 2012). The Coast Guard published a final rule amending its regulations on ballast water management by establishing a standard for the allowable concentration of living organisms in ships' ballast water discharged in waters

of the United States. In this final rule, the Coast Guard also amended its regulations for engineering equipment by establishing an approval process for ballast water management systems. These new regulations, which became effective on June 21, 2012, aid in controlling the introduction and spread of nonindigenous species from ships' ballast water in waters of the United States.

This final rule implements the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended by the National Invasive Species Act of 1996 (NISA). Through NISA, Congress reemphasized the significant role the discharge of ships' ballast water plays in the spread of nonindigenous species (NIS), defined as any species or other viable biological material that enters an ecosystem beyond its historic range, including any such organism transferred from one country into another, in U.S. waters.

Vessels subject to these new regulations are also subject to the U.S. Environmental Protection Agency (EPA) Vessel General Permit issued under section 402 of the Clean Water Act. The Coast Guard and EPA continue to work closely together in the development of ballast water discharge standards and to harmonize requirements, to the extent feasible and appropriate, under the agencies' respective mandates.

International Anti-Fouling System Certification (Final Rule; December 9, 2011).

The Coast Guard amended its vessel inspection regulations to add the International Anti-fouling System (IAFS) Certificate to the list of certificates a recognized classification society may issue on behalf of the Coast Guard. The IAFS Certificate indicates that the anti-fouling systems on the ship to whom it is issued complies with the requirements of the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001 (Convention). Under the Convention, an "antifouling system" is defined as a coating, paint, surface treatment, surface, or device that is used on a ship to control or prevent attachment of unwanted organisms. The Convention is currently focused on reducing pollution caused by organotin compounds used in antifouling systems. This final rule continues the Coast Guard's long-standing practice of utilizing classification societies to issue international certifications to vessels, as well as its mission as steward of the environment and a member of the international maritime community. The IAFS Certificate is the thirteenth certification a classification society may issue on the Coast Guard's behalf.



Retrospective Review under Executive Order 13563. The Coast Guard assisted the Department of Homeland Security in satisfying the requirement in Executive Order 13563 that each Executive Branch agency develop and plan to periodically review its existing regulations to determine whether any regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving its regulation objectives. Before a rule has been promulgated and implemented, it can be difficult to be certain of its consequences,

including its costs and benefits. Retrospective review can assist in evaluating the consequences and efficacy of agency regulations.

The Department issued and provides regular updates to the “DHS Final Plan for Retrospective Review” (the Plan), which creates a process for identifying regulations that may be obsolete, unnecessary, unjustified, counterproductive, or excessively burdensome. The DHS retrospective review process is intended to facilitate the identification of rules that warrant repeal, modification, strengthening, complementing, or modernizing, where necessary or appropriate.

The Plan also describes a number of initiatives that promise significant burden reductions, and lists thirteen DHS regulations that are under retrospective review. Three of those thirteen regulations are Coast Guard regulations: (1) Implementation of the Amendments to the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW), 1978 as amended, and Changes to Domestic Endorsements; (2) Revisions to Transportation Worker Identification Credential (TWIC) Requirements for Mariners (Implementation of Section 809 of the 2010 Coast Guard Authorization Act); and (3) Updates to 33 CFR Subchapter H – Maritime Security Regulations.

The Plan is available at <http://www.dhs.gov/xlibrary/assets/dhs-ogc-final-retrospective-review-plan-8-22-11-final.pdf>, and the most recent update to the Plan is available at <http://www.dhs.gov/xlibrary/assets/dhs-retro-progress-report-rvsvd-omb-5-23-12.pdf>.

Office of Legislation

The Office of Legislation works closely with Coast Guard directorates, the Department of Homeland Security, the Office of Management and Budget, and other federal departments and agencies to develop the Coast Guard’s legislative proposals and with the Coast Guard’s Office of Congressional Affairs to secure enactment of the proposals.

On October 15, 2010, the President signed the Coast Guard Authorization Act of 2010 (Pub. Law No. 111-281). The Authorization Act, the Service’s first in four years, modernizes the Coast Guard’s flag-level command structure, provides for improvements to military housing, reforms the Service’s acquisition structure and processes, and bolsters port security. Implementation of the Authorization Act, including the 29 provisions that require the promulgation of regulations, is ongoing.



The Coast Guard’s legislative agenda for the First Session of the 113th Congress includes both the “Sportfishing and Recreational Boating Safety Act,” an inter-agency legislative

proposal to amend the various uses of the Sport Fish and Restoration and Boating Trust Fund, and an omnibus proposal to facilitate the execution of the Service's missions.

Legal and Defense Services

The Judge Advocate General is responsible for providing various legal services directly to Coast Guard members and other eligible beneficiaries. These services include physical disability advice and representation, legal assistance relating to personal civil matters, representation for criminal defendants and appellants, and representation for respondents before administrative boards.

Legal Assistance. In the past year, legal assistance attorneys provided counsel to over 7500 clients, helping them with estate planning, family law, consumer law and myriad other issues. Additionally, our offices maintained a vibrant VITA program. Attorney and non-attorney volunteers filed over 1800 federal returns at nineteen different sites, which resulted in substantial tax preparation savings to Coast Guard personnel, retirees, and dependents. The legal assistance attorneys recently held their bi-annual conference to discuss current trends and issues in the practice. In addition to significant discussions regarding consumer law, assistance to victims of sexual assault, foreclosure/mortgage aid and many others, a highlight of the event was an icebreaker that offered the opportunity to meet with senior leaders from all of the services and legal assistance practitioners throughout the Washington DC area.

Physical Disability Evaluation System (PDES). Judge Advocates in the Office of Legal and Defense Services represented 169 new members going through the PDES process in 2011. This number excludes the cases that were held over from the previous year. Overall, there continues to be an upward increase in Coast Guard disability cases. Unlike the other branches, Coast Guard members can only elect counsel once they receive their informal board findings. Once detailed, counsel will represent individual clients through the remainder of the process, including formal boards and appeals. Approximately 88% of all members elected counsel, a slight decrease from last year. In the past year, the Office of Legal and Defense Services sought to develop and clarify the standards and criteria for designating certain injuries and conditions as combat-related or having occurred in a combat zone. Due to the unique missions of the Coast Guard, much of the rating criteria used in other services does not provide an adequate framework for making combat-related or combat-zone determinations.

Military Justice and Member Representation. The Office of Legal and Defense Services oversee the Navy and Coast Guard Memorandum of Understanding on Mutual Support in Military Justice Matters. Through this cross-service agreement, Navy judge advocates provided defense services to nearly 200 Coast Guard members before courts-martial and at administrative hearings. Additionally, this agreement fostered an increasing number of opportunities for Coast Guard judge advocates to serve alongside Navy judge advocates to represent Coast Guard members before courts-martial. This cross-service experience not only builds meaningful bridges between the sea services, but strengthens both services' military justice practice.

Appellate Defense. Coast Guard appellate defense counsel represented 38 Coast Guard members before the Coast Guard Court of Criminal Appeals, the Court of Appeals for the Armed Forces, and the United States Supreme Court. In the past year, Coast Guard appellate defense attorneys participated in establishing collaborative partnerships among the DoD appellate defense counsel. These efforts have resulted in sharing of appellate defense “best practices” amongst the armed services, which, ultimately has improved the quality of appellate representation to Coast Guard clients.

FIELD LEGAL OPERATIONS

The Coast Guard legal program includes attorneys and legal support staff in 20 offices located throughout the United States. These legal staffs work in close cooperation with the Judge Advocate General’s legal staff and offices to insure the consistent and responsive delivery of legal services in support of Coast Guard missions. Following are highlights of practice from some of these offices.

Legal Service Command



The Legal Service Command (LSC), with offices in Norfolk and Arlington, Virginia, and Alameda, California, provides field-level legal support in environmental law, procurement law, employment and civilian personnel law, real property law, fiscal law, claims, collections, military justice for the Coast Guard’s Mission Support commands and subunits, and legal assistance for the Fifth and Eleventh District geographic areas.

The LSC is comprised of 102 active duty military members, reservists, civilians and Auxiliarists organized into four divisions covering the practice areas of military justice (criminal law); claims, collections, and litigation; contract and fiscal law; and mission support (property, environmental compliance, information law, ethics/standards of conduct, legal assistance).

LSC was at the forefront of many Coast Guard firsts in 2011-2012. As the focus on the Arctic intensified over the past year, the LSC served a crucial legal support role. When severe winter storms and ice prevented fuel oil deliveries to Nome, Alaska, and supplies ran dangerously low, the nation called upon the Coast Guard to lead the way in the historic maritime delivery of fuel oil to the remote town. LSC provided crucial advice on complying with environmental law, including the Endangered Species Act, facilitating USCGC HEALY’s successful icebreaking role for the contracted Russian tank vessel. At the strategic level, the Coast Guard is increasing its operations in the Arctic as changing environmental conditions lead to increased maritime activity and resource exploration in the region. LSC provided guidance for National Environmental Policy Act actions and for Endangered Species Act and Marine Mammal Protection Act consultations required for the robust Arctic operations planned for summer 2012.

The LSC guided the first implementation of a newly authorized type of real property transaction for the Coast Guard (Title 14, U.S. Code, section 685), a direct sale of property to the public. Taking the lead role on this new authority meant advising on how to structure the sale. LSC advised that public auction was the most appropriate vehicle in order to ensure fairness and transparency. LSC assisted the client command in Hawaii with understanding the “clean property” provisions of Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) section 120(h) and fully disclosing the environmental history of the property to the public through the state government. LSC’s work resulted in six transactions over a four-month period, raising in excess of \$1 million for the USCG Housing Fund.

LSC attorneys also helped develop a pioneering contract for the acquisition of nationwide multi-discipline healthcare services for Coast Guard personnel. They also continued advising on the Coast Guard’s contracting needs for its new National Security Cutters, the newest of which was commissioned in March 2012.

LANTAREA

Headquartered in Portsmouth, Virginia, LANTAREA is responsible for Coast Guard operations that include the Eastern half of the United States, as well as migrant and counter-drug operations in the Caribbean, international partnership, and 24 crisis/contingency/recovery operations around the world. Established as an independent Staff Judge Advocate office in April 2009, LANTAREA legal is a high operational tempo, high visibility office, providing comprehensive advice and counsel to the LANTAREA Commander and his staff, field units, and cutters on a wide range of legal matters including operational law, Ports, Waterways and Coastal Security (PWCS), marine safety, military justice, personnel actions, ethics, regulatory projects, administrative investigations, and legal assistance to Coast Guard members.



Emergency Response. LANTAREA legal was involved in the response to the devastation wrought by Hurricane Irene in August 2011. One LANTAREA attorney deployed as a critical member of the Continuity of Operations (COOP) team ensuring that command and control and other essential response functions were executed without interruption.

International Engagement. The LANTAREA legal office remained heavily involved in an African partnership mission and continued to advise the LANTAREA staff on issues encountered while strengthening U.S. maritime partnerships in West Africa to enhance maritime security in that region. From March through July 2012, a Coast Guard law enforcement detachment (LEDET) deployed aboard a U.S. Navy asset. The Coast Guard LEDET engaged in joint operations with LEDETs from Sierra Leone, Cape Verde, Senegal, and The Gambia for maritime law enforcement patrol and interdiction operations in and around the territorial seas and exclusive economic zones of each partner

nation. In addition, LANTAREA legal participated in annual joint Staff Talks with Canada, as well as OP Nanook, a joint exercise in the Eastern Arctic.

War of 1812 Bicentennial. As part of our nation's bicentennial commemoration of the War of 1812, LANTAREA partnered with the U.S. Navy Fleet Forces Command to coordinate and execute a parade of ships across most of our major East Coast ports. Each port visit coincided with a commemoration celebration in the respective city, honoring the efforts of the Coast Guard and Navy in the War of 1812. To that end, LANTAREA legal, in coordination with Coast Guard district legal offices, was integral to the preparation and execution of these events. Efforts included providing counsel on matters ranging from international relations to contracting to the proper bounds of ethical conduct at the events themselves. This four-month evolution demanded hundreds of attorney man-hours, ultimately resulting in a successful campaign and a proper recognition of this historic time in our nation's history.

Exercises. LANTAREA has been engaged in multiple exercises to prepare for the challenges the organization expects to face over the coming years, with the legal office advising on the legality of proposed actions and responses in each respective situation. Examples include the National Level Exercise, involving federal, state, and local agency response to a national emergency, and annual Spill of National Significance exercises that ensure the Coast Guard is well prepared to address real-world concerns of large-magnitude oil spills.

Military Justice. Attorneys of the LANTAREA legal office provide comprehensive legal advice to the Area Commander and subordinate field unit and cutter Commanders as they pursue just resolution of criminal allegations under the Uniform Code of Military Justice (UCMJ).

International Port Security. LANTAREA's civilian International Port Security attorney has been hard at work ensuring the Coast Guard complies with a government mandate to review the security of ports across the globe and assist partner nations with efforts to comply with the International Ship and Port Facility Security Code (ISPS Code). He has qualified as Head of Delegation for international visits, and has participated in several IMO and other partnership meetings around the globe.

Operations Law. The Coast Guard seeks to enforce all applicable Federal laws in its role as a leader in maritime law enforcement. Attorneys of the LANTAREA legal office stand a rotational duty schedule to provide 24/7 legal advice to our cutters and other operators throughout the LANTAREA area of responsibility.

PACAREA

Coast Guard Pacific Area (PACAREA), with its over 20,000 active duty, reserve, and civilian employees, is responsible for Coast Guard operations across 74 million square miles, ranging from South America, north to the Arctic Circle and west to the Far East. This vast region is patrolled by 18 large Coast Guard cutters, including ice breakers, in addition to the sea, air and shore resources of the four Coast Guard Districts within

Pacific Area. Like the operations of PACAREA, the practice of law in the PACAREA Legal Office is extremely diverse. Located in Alameda, California, the Legal Office consists of two permanently assigned Judge Advocates and two support Yeoman, augmented by three judge advocates on rotational assignment from the Legal Service Command. The PACAREA Legal Office is responsible for advising the PACAREA Commander, PACAREA units, and assisting the District Legal Offices within PACAREA.

Arctic. Issues involving the Arctic have been at the forefront of PACAREA concerns this year. Shell received permits to drill for oil north of Alaska beginning this summer. Coast Guard assets will be present to observe the drill as well as to be prepared to respond to any search and rescue or environmental concerns. PACAREA lawyers have worked to ensure environmental compliance of Coast Guard assets and industry ships. Additionally, comprehensive plans have been drafted to respond to emergencies and handle the public affairs situations and possible interventions that may occur during these operations. The Arctic is a new frontier for oil and it is also a new frontier for the Coast Guard. There are unique legal challenges and issues that PACAREA lawyers continue to address.

Japanese Tsunami Debris. Debris from Japan as the result of the March 11, 2011, Japanese earthquake, subsequent tsunami and Fukushima Daiichi nuclear facility breach, has begun to arrive in United States waters posing threats to maritime safety and the environment. Coast Guard judge advocates have assessed the options for dealing with this debris and provided recommendations to Coast Guard operational commanders to address those risks. These recommendations included measures designed to safeguard United States waters, shores and vessels through awareness, avoidance procedures, and destruction of hazards to navigation.

Three-Party Talks. The Three Party Staff Talks (TPST) took place February 27 – 28, 2012, at the US Navy Third Fleet headquarters in San Diego, CA. The participants consisted of workgroups including Plans/Ops, C4I, Logistics, and Legal. TSPT legal participants included the Canadian Maritime Forces Pacific, U.S. Coast Guard - Pacific Area, and U.S. Navy - Third Fleet. Coast Guard judge advocates contributed to this successful event by providing several informative briefings on the Coast Guard's organization and mandates for legal services, the Coast Guard's obligations concerning counter drug operations and assistance to civilian authorities in disaster response. This session of legal advisors representing the three services on the Pacific Coast was a great success. As a result of the legal work during and following the TPST, the parties crafted and signed a Charter agreeing to continue these informal Staff Talks to further the relationships between the parties.

Major Asset Commissioning. The Coast Guard continued its plan of modernizing its fleet this year with the commissioning of Coast Guard cutter STRATTON (WMSL-752). Coast Guard judge advocates have been instrumental in this modernization effort contributing legal advice on



policy, procedures, planning and oversight concerning the commissioning/decommissioning of these cutters from service.

Military Justice. Attorneys of the PACAREA legal office provide comprehensive legal advice to the Area Commander and subordinate field unit and cutter Commanders as they pursue just resolution of criminal allegations under the Uniform Code of Military Justice (UCMJ). Throughout the year, PACAREA Legal prosecuted six General Courts-Martial, including four involving sexual assault, and three Special Courts-martial, reinforcing the Coast Guard policy that sexual assault is absolutely unacceptable.

First Coast Guard District



The First Coast Guard District, headquartered in Boston, Massachusetts, is comprised of the eight-state area from Maine to northern New Jersey and Eastern New York, and includes over 2,000 miles of shoreline and ten of the busiest ports (by tonnage) in the country. The First District is one of the Coast Guard's most operationally diverse, having a hand in every major Coast Guard mission, from the regulation of industry in the ports of New York and Boston, to fisheries enforcement of the coast of Massachusetts, search and rescue in Long Island Sound, and ice breaking in Maine. The practice of law for the six active duty, three reserve, and once civilian Coast Guard attorneys assigned to the First District Legal Office is likewise diverse, ranging from providing real-time operational law advice to facilitating the administration of military justice while ensuring the delivery of legal assistance to the more than 4,000 active duty, reserve, and civilian member First District workforce.

The First district Legal Division participated in the DHS Office of General Counsel Attorney Exchange Program, for a one-for-one no-cost attorney exchange between offices in the same location. A Coast Guard Judge Advocate was detailed to ICE, an ICE attorney went to CBP, and a CBP attorney spent a month with the Coast Guard. This one-month pilot program provided maximum flexibility for managers and lawyers. The purpose of this program is to develop leadership and to provide exposure to the law practiced in other components, fostering inter-component mobility and promoting attorney retention.

Coast Guard Judge Advocates from the First District, under the direction of the Enforcement Section of National Oceanic and Atmospheric Administration (NOAA) Office of General Counsel, have been designated to represent the United States in civil penalty actions arising from violations of federal statutes and regulations. The detailed Judge Advocates participate in cases on behalf of NOAA that originate in the First District area of responsibility. The Coast Guard Judge Advocate assigned to a case, in consultation with the investigating agent, evaluates whether there is evidence of violation of a NOAA statute or regulation, and makes recommendations on potential remedial actions, including dismissal of the action, a written warning, or action under NOAA's civil administrative process through issuance of a Notice of Violation and Assessment of a penalty (NOVA), Notice of Permit Sanction (NOPS), Notice of Intent to Deny Permit

(NIDP), or some combination thereof. Seven cases have been assigned to CG JAGs to help alleviate a significant backlog of cases in the Northeast region.

First District Judge Advocates provided primary legal counsel for Sector New York and the Area Maritime Security Committee, providing advice that facilitated the completion of the Area Maritime Security Committee's Blue Force Tracking project. This was the first project of its kind, receiving national recognition from the Department of Homeland Security and setting a national standard for similar projects. Thirty-three vessels from the New York City Police Department, Fire Department of New York, New York State Department of Environmental Conservation, New Jersey State Police, New York State Naval Militia and the Union County, NJ Police Marine Bureau were outfitted with Blue Force Tracking equipment. This required a Memorandum of Agreement between each of the receiving agencies and the Port Authority of NY/NJ and a Memorandum of Understanding between each agency and the U.S. Coast Guard to establish the framework and procedures by which the USCG and each agency will work to enhance the safety and security of waters within their respective jurisdictions. Each law enforcement agency's Use-of-Force Policy was reviewed to ensure the required language within each agreement complied with Federal statutory requirements. The success of Blue Force Tracking Phase I resulted in the implementation of Phase II, equipping 53 additional vessels from 23 agencies in the Port of New York and New Jersey.

Fifth Coast Guard District



The Fifth Coast Guard District, headquartered in Portsmouth, Virginia, is responsible for Coast Guard operations on 156,000 square miles of the mid-Atlantic region from central New Jersey south to the North Carolina-South Carolina state line, including all of Chesapeake Bay, the National Capital Region, Baltimore, and the Hampton Roads region. With missions ranging from search and rescue throughout that region, marine environmental protection in the critical Chesapeake Bay watershed, national security missions protecting US Navy assets at the world's largest naval base in Norfolk, Virginia, and exercising port state control over a non-stop flow of commerce to the busy ports in Delaware, North Carolina, and along the Chesapeake Bay, the Fifth District has a significant role in every Coast Guard mission area. The practice of law for the Coast Guard attorneys assigned to the Fifth District legal office is equally diverse, serving the more than 10,295 active duty, reserve, civilian and volunteer Auxiliary members of District Five. Despite its small size, the office has a reputation for excellent service to Coast Guard clients, and outstanding teamwork with State and Federal partners throughout the Fifth Coast Guard District.

Environmental Crimes. Recent activity includes support to several U.S. Attorneys for criminal prosecution of the crew members and owners/operators of the M/V AQUAROSA for allegations that oily water was illegally discharged directly to the sea, and that official ship's documents were falsified to hide the discharges. Both the owner and operator pled guilty to two counts of violation of the Act to Prevent Pollution from Ships, one count of obstruction of an agency proceeding, and one count of making a

material false statement and were sentenced to three years probation subject to an Environmental Compliance Plan and \$2.4 million fine, including \$525,000 for community service environmental projects for Chesapeake Bay area waterways. The vessel's chief engineer also pled guilty and was sentenced to three months in prison. Fifth District attorneys also advised on several Coast Guard Investigative Service criminal investigations involving violations of the Clean Water and Refuse Acts. In one case a company was sentenced to five years probation and \$10,000 fine plus \$60,000 in community service payments, and its president was sentenced to 30 days house arrest, one year supervised probation, and a \$15,000 fine. Prosecution of these cases provides a significant deterrent to future willful pollution.

Military Justice. Attorneys of the Fifth District legal office provide comprehensive legal advice to the District Commander and subordinate field unit Commanders as they pursue just resolution of criminal allegations under the Uniform Code of Military Justice (UCMJ). The most recent Fifth District trial involved a Special Court Martial at which the accused was sentenced to reduction in rank following a guilty plea reached under a pre-trial agreement. The Fifth District legal office provided an attorney to Coast Guard Atlantic Area to prosecute seven courts-martial involving a complex environmental crimes matter.

Legal Assistance. Leveraging limited in-house resources, and through close partnering with the Coast Guard Legal Service Command attorney dedicated to legal assistance, the Fifth District Legal Office ensures that clients receive comprehensive assistance. Our attorneys helped coordinate services to over 3,500 active duty and reserve Coast Guard members and their dependents, and provided direct legal assistance service to nearly thirty clients.

Cooperative Efforts. Attorneys in the Fifth District legal office have worked closely with multiple agencies within the D5 area of responsibility to strengthen partnerships and establish cooperative agreements. Attorneys drafted and negotiated an operating agreement with the Department of the Navy, Fleet Area Control and Surveillance Facility, Virginia Capes (FACSFAC VACAPES). The agreement establishes a coordination of efforts during Search and Rescue (SAR) activities to separate and de-conflict aircraft working or training within the FACSFAC VACAPES Operating Areas, ensuring the safety of Coast Guard personnel responding to SAR cases. In addition, our attorneys provided advice and assistance in drafting an agreement entered into with Department of the Air Force, 1st Fighter Wing (Air Combat Command) regarding flare usage in overwater airspace during periods of darkness. The purpose of the agreement is to coordinate and maintain awareness of interagency activities within the Fifth District AOR through notice of military operations involving flare deployment, thereby allowing the Fifth District command center to better determine mission response to reported flare sightings throughout the Fifth District area of responsibility, resulting in staving off some SAR launches and saving countless tax payer dollars. Our attorneys have further leveraged resources by negotiating agreements with local law enforcement agencies for coordinated joint efforts in such matters as SAR, boating safety education and training, and enforcement of boating laws. Further, the legal office worked closely with the State

of Delaware Attorney General's Office on a case in which a vessel under the command of a Delaware State Licensed Captain allided with a pier and reported to the Coast Guard that the brush with the pier caused no damage to the vessel, when examination of the hull revealed a 55 ft. by 10 ft. hole located one foot above the water line. The result of the dedicated efforts in this case led to the Captain entering into a consent agreement whereby his license was suspended, the suspension was held in abeyance, and he was placed on probation, and he agreed to immediately and permanently refrain from acting as a pilot upon the waters of the Bay and River Delaware or their navigable tributaries.

Other Matters. From June 7 to June 19, 2012, two ports within the Fifth District (Norfolk, VA and Baltimore, MD) hosted OpSail 2012 and the War of 1812 commemoration events. These events brought foreign naval and tall ships from Latin America and Europe along with U.S. Navy and U.S. Coast Guard vessels. Because of the scale and importance of these events, they were designated a Marine Event of National Significance (MENS). The Fifth District legal office was involved in the planning and execution of both of these events, including: force protection, rules of engagement, development of safety and security zones and ethics determinations. Fifth District attorneys also worked closely with their U.S. Navy counterparts to ensure continuity between services.

Seventh Coast Guard District



The Seventh Coast Guard District is headquartered in Miami, Florida. This District covers all Coast Guard operations in the Southeast United States and the Caribbean Basin including Florida, Georgia, South Carolina, Puerto Rico, the U.S. Virgin Islands and over 15,000 miles of coastline. In addition, the Seventh District shares operational borders with 34 Foreign Nations and Territories.

Prevention Law. Prevention Law judge advocates render advice to the Seventh District staff and field units on environmental, regulatory, administrative, marine safety and security, and ethics and standards of conduct issues. Prevention Law judge advocates also provide support to local U.S. Attorney Offices and the Department of Justice Environmental Crimes Section (DOJ-ECS) in ongoing criminal investigations and maritime environmental crimes prosecutions. In the past year, Prevention Law judge advocates processed over 89 field regulations to establish limited access areas and rendered 69 ethics determinations.

In the past year, the Seventh District referred four maritime environmental crimes cases to the Department of Justice for prosecution. All four cases resulted from Coast Guard investigations that uncovered circumstantial evidence of illegal discharges. Three of the four cases led to a criminal indictment and were resolved by plea deals, resulting in a total of \$1.7 million dollars in fines, community service payments, and three fleet-wide environmental compliance plans. Prevention Law judge advocates also assisted the U.S. Attorney's Office of the Southern District of Florida in the first prosecution of a marine

surveyor for fraudulently issuing International Oil Pollution Prevention certificates on behalf of a flag state.

Response Law. Response Law judge advocates analyze law enforcement and search and rescue issues to enhance mission execution, render real-time advice in mission support, and ensure the Coast Guard operates within its authorities and policies. For example, the Response Law judge advocates, by providing direct legal guidance on all United States maritime drug law enforcement boardings in the Caribbean, provided advice on the applicability and enactment of bilateral counter-drug agreements, guided the District



Commander in authorizing airborne use of force in time-compressed “go-fast” interdictions, and reviewed the factual predicate to support lawful use of drug detection enhancement technologies (e.g., IONSCAN, drug dogs, etc.) and intrusive searches in appropriate cases. Of particular note, Response Law judge advocates provided real-time advice to operational commanders and on-scene units during the first interdiction of a self-propelled semi-submersible (SPSS) vessel in the Caribbean. There were an additional four SPSS interdictions during 2011. These efforts were instrumental in managing 24 successful drug interdiction cases, including the

seizure of 60,304 pounds of cocaine and 6,380 pounds of marijuana in 2011. District Seven judge advocates have provided legal advice for 17 drug interdictions to date in 2012.

Response Law judge advocates also support federal criminal prosecutions resulting from at-sea migrant interdictions, and actively participate in the Southern District of Florida Anti-Migrant Smuggling Task Force, which is led by the U.S. Attorney’s Office for the Southern District of Florida. One Response Law judge advocate is assigned as a full-time Special Assistant U.S. Attorney (SAUSA) to the U.S. Attorney’s Office in Miami. This judge advocate was involved in 64 indictments related to maritime alien smuggling in 2011, and 24 to date in 2012. Another full-time judge advocate is detailed as a SAUSA in the U.S. Attorney’s Office for the District of Puerto Rico. This judge advocate was involved in 112 indictments related to alien smuggling in 2011, and 36 to date in 2012. Of particular note, the judge advocate was instrumental in providing justification and a comprehensive evidentiary case package for an extradition request, through the Departments of Justice and State, to the Government of the Dominican Republic for two Dominican nationals suspected of migrant smuggling that led to the death of a migrant on Mona Island, Puerto Rico.

Response Law judge advocates also participated in four international and interagency conferences in California and Costa Rica. These conferences were attended by civilian attorneys, military judge advocates, and federal judges from countries in Central and South American and the Caribbean region. The focus of these conferences was to discuss national laws and constitutional constraints regarding the illegal transport of narcotics throughout the region. In addition, Response Law judge advocates assisted the Seventh

District staff in developing procedures and policies when Coast Guard assets enact various provisions of the Agreement Concerning Co-operation in Suppressing Illicit Maritime and Air Trafficking in Narcotic Drugs and Psychotropic Substances in the Caribbean Area, a Caribbean Regional Agreement with seven current signatories.

Military Justice/Personnel Law. The Seventh District legal office provides legal and prosecutorial support to field commands and the District staff on issues ranging from general courts-martial through non-judicial punishment under Article 15 of the UCMJ, as well as personnel issues such as relief for cause and administrative discharge. All of our judge advocates participate in military justice actions, primarily as trial counsel.

In 2011 the Seventh District legal office prosecuted seven courts-martial, including three cases that involved sexual assault, in addition to other charges. The remaining cases primarily involved the theft of government property and funds.

Legal Assistance Section. The legal assistance office currently comprises one civilian attorney and one paralegal. In 2011 the Seventh Coast Guard legal assistance office opened 1,224 new legal assistance cases, and assisted 1,138 individual clients. In addition, the legal assistance staff led four week-long legal assistance circuit riding trips, to the Tampa-St. Petersburg area, the Charleston area, and Key West. During these visits the legal assistance team routinely worked extra hours to ensure members had the powers of attorney, wills, and other legal documents needed to ensure their legal readiness for deployment. These efforts made the D7 legal assistance office one of the most productive legal assistance team in the Coast Guard.

Eighth Coast Guard District



The Eighth Coast Guard District, headquartered in New Orleans, Louisiana, covers all or part of 26 states that include 1,200 miles of coastline and 10,300 miles of inland navigable waterways. The area of responsibility for the Eighth District stretches from the Appalachian Mountains and Chattahoochee River in the east, to the Rocky Mountains in the west, and from the border between the U.S. and Mexico and the Gulf of Mexico to the Canadian border in North Dakota. The Eighth District is home to two of the nation's busiest ports, New Orleans and Houston, and seventeen of the top 40 busiest ports by tonnage. The Eighth Coast Guard District Legal Office provides legal support to approximately 4,045 active duty and reserve members.

Environmental Crimes. The Eighth District Legal Office remained at the forefront in enforcement of environmental laws and regulations. Working closely with the Department of Justice, the legal office assisted in securing convictions in ten environmental crimes cases resulting in sentences totaling nearly \$5,000,000 in fines. Additionally, there are thirteen pending criminal prosecutions related to enforcement of environmental crimes within the Eighth District Legal area of responsibility. A representative sample of some recent convictions is below:

M/V AGIOS EMILIANOS. Ilios Shipping Company S.A. was sentenced on March 2, 2012, in the Eastern District of Louisiana, for violating the Act to Prevent Pollution from Ships (APPS) and obstruction of justice. Oily bilge waste and sludge was routinely discharged from the vessel directly into the sea without the use of required pollution prevention equipment. The crew intentionally covered up the illegal discharges of oil waste by falsifying the vessel's oil record book. The court ordered a \$1,000,000 fine, three years probation from operating in U.S. ports, and a requirement to maintain an Environmental Compliance Plan by outside auditors and the court for three years.

M/V POLYNEOS. Also in the Eastern District of Louisiana, Odysea Carriers, the operator of the M/V POLYNEOS, pled guilty on March 8, 2012 to violating APPS and the Ports and Waterways Safety Act for failing to notify the Coast Guard of a hazardous condition on the vessel, as well as obstruction of justice. The company was sentenced to pay a \$1,200,000 fine (\$100,000 of which went to community service) and three years probation. The vessel will also be subject to an Environmental Compliance Plan supervised by outside auditors and the court for the duration of probation.

M/V GUARAV PREM. On May 30, 2012, in the Southern District of Alabama, Target Ship Management Pte. Ltd, the operator of the M/V GAURAV PREM, pled guilty to a violation of APPS for failing to properly maintain an oil record book as required by U.S. federal and international law. It also pled guilty to making materially false statements during the Coast Guard's inspection. Subject to the court's acceptance of the Federal Rule of Criminal Procedure 11(c)(1)(C) plea, the company will be sentenced to pay a \$1,000,000 fine as well as a \$200,000 community service payment to the National Fish & Wildlife Foundation. The company will also be sentenced to three years probation. As a condition of the probation, ships operated or managed by Target that will or may call on the United States will be subject to an Environmental Compliance Plan supervised by outside auditors and the court.

Deepwater Horizon Response. Eighth District attorneys continued to serve in legal advisor roles at the Deepwater Horizon Gulf Coast Incident Management Team (GCIMT). The judge advocates provided direct legal support to the Federal On-Scene Coordinator (FOSC) on legal issues such as restoration of historic and tribal properties, environmental impact on state and federal lands, federal authority for determining cleanliness of affected areas, and completion of the overall response operations.



Military Justice. The Eighth Coast Guard Legal office provides command advice to staff and field units within its area of responsibility on military justice matters ranging from general courts-martial to non-judicial punishment. Over the past year, Eighth District judge advocates prosecuted two General Courts-Martial that involved charges of sodomy, aggravated assault, providing alcohol to a minor, violating a lawful general

order, dereliction of duty, making a false official statement, wrongfully disposing of Government property, malingering, larceny, and soliciting another to commit an offense. In addition, an Eighth District judge advocate served as a Summary Court-Martial officer in a case that involved charges of theft and forgery.

Legal Assistance. The Eighth District legal office continued its dedication to military service members and their families by responding to approximately 1200 legal assistance issues. Demonstrating a breadth of knowledge and experience, the office provided advice and counsel in just some of the following areas: consumer advocacy, estate planning projects, family law, immigration, landlord-tenant issues, individual rights protections, and real property law.

Of particular significance was this office's involvement with the Volunteer Income Tax Assistance (VITA) program. Under VITA, the Eighth Coast Guard District Legal Office answered and filed some 210 questions and returns on behalf of clients, many of which involved complex elements such as diverse investments, private businesses, and rental properties, resulting in nearly \$250,000 in refunds. Volunteer preparers, working extra hours and weekends, saved clients nearly \$34,000 in preparation fees that they might have paid to commercial preparers.

Ninth Coast Guard District



This office of four military attorneys, one civilian legal assistance attorney, and two legal technicians supports Coast Guard operations throughout the Great Lakes and along 1,500 miles of international border from Massena, New York, to Duluth, Minnesota. The Ninth District Legal Office provides legal support and services to approximately 2,013 active duty, 561 Reserve, 121 civilian, and 3,192 Coast Guard Auxiliary personnel.

Legal Assistance. To date in FY 2012, the office has opened over 690 legal assistance cases, including executing 783 wills, powers of attorney and notary documents; assisting 54 landlord-tenant clients, 106 family law clients, 48 consumer law clients, 22 real property clients, 6 immigration clients, and 19 tax law clients; and handling 50 cases involving the protection of individual rights such as those in the Servicemembers Civil Relief Act (SCRA). The Ninth Coast Guard District Volunteer Income Tax Assistance team provided assistance to 38 clients from January to April 2012. Extensive support was provided to reserve personnel, including weekend training programs for Reserve All-Hands at Sector Detroit, Sector Buffalo, and Sector Field Office Grand Haven. In addition, a legal assistance team spent three weekends meeting with virtually every member of Port Security Unit 309 as they prepared for deployment to the Middle East, and participated in the Yellow Ribbon Event for unit members and dependents. Legal assistance visits were also conducted at more than two dozen locations around the Great Lakes. The office published a number of preventive law newsletters for military personnel. The Ninth District Legal Assistance Attorney serves as an instructor on the SCRA for the Judicial College of the Supreme Court of Ohio and continues to work with

the Ohio State Bar Association and the Supreme Court of Ohio to enhance and expand training on the SCRA to members of the judiciary throughout Ohio.

Pre-Deployment Legal Assistance for Port Security Unit (PSU) 309. During the weekend of January 21-22, 2012, the Ninth District Legal Office provided pre-deployment assistance for members of the command prior to deploying overseas. After comprehensive all-hands training to more than 100 attendees, members of the Ninth District Legal Office developed estate plans including wills, trusts, powers of attorney and advance medical directives for about 30 members and their families.



Canada/U.S. Law Institute. The Ninth District legal office has continued its strong partnership with the Canada/US Law Institute, an entity jointly supported by Case Western Reserve University School of Law and the University of Western Ontario Faculty of Law. In addition, this was the sixth year of a Memorandum of Agreement (MOA) between the Ninth District and Case Western Reserve University (CWRU) School of Law - Institute for Global Security Law and Policy (IGSLP). Under the MOA, the IGSLP holds a Coast Guard/Homeland Security course twice annually. Ninth District attorneys provide a block of instruction on authorities and jurisdiction, and submit research topics for the course. The capstone of the course is preparation of memoranda of law for the benefit of the Coast Guard on topics relating to Coast Guard missions, homeland security or international law. A strong relationship has been forged with CWRU allowing the Ninth District Legal Office to have a total of eight interns throughout the school year and during the summer to assist in operational law, military justice and legal assistance.

Environmental Stewardship. The Ninth District Legal Office continues to play a significant role in environmental stewardship and compliance issues. The legal office is at the forefront of developing novel regulations and safety measures designed to protect mariners who transit the navigable waters adjacent to, or over an electric dispersal barrier located on the Chicago Sanitary and Ship Canal. The barrier, constructed and operated by the Army Corps of Engineers, generates a low-voltage electric field across the canal to block the passage of Asian Carp, an aquatic nuisance species, between the Mississippi River basin and the Great Lakes. The electric current in the water poses a safety risk to commercial and recreational boaters transiting the area, which necessitated establishing navigational and operational restrictions on all vessels transiting the area. In the past year, the Ninth District has issued several new safety and security zones in the Chicago Sanitary and Ship Canal due to the increase in voltage of the electric dispersal barrier and the shutdown of the canal for several days. The legal office also promulgated regulations to control the carriage of water on board vessels that potentially could contain non-indigenous species from one side of the barrier to the other.

Great Lakes Maritime Strategy. Ninth District attorneys played a pivotal role in the continued refinement and advancement of the Great Lakes Maritime Strategy (GLMS).

The strategy is the cornerstone document shaping Ninth District missions for the next 5 to 10 years. The legal office directly assisted in the development of the six strategic objectives (Mission, People, Canada, Force Allocation, Partnerships, Share Our Story) as well as ancillary documents including a Commander's Intent, the Ninth District mission ethos, and a framework for action centered on the six strategic objectives. The visibility and impact of the GLMS is tremendous; in particular, it was shared with numerous DHS partners including the Secretary of Homeland Security, members of Congress, governors and other state leaders, as well as individuals and companies in the Great Lakes region that rely daily on the Coast Guard accomplishing its mission.

Port Huron Float Down. In August 2011, the Ninth District Legal Office assisted Sector Detroit with a short-notice request for support in handling what is known as the "float-down." The float-down is an unsanctioned event with over 2,500 participants using various floatation devices to drift for several miles down a busy international shipping channel in Michigan's St. Clair River. The Ninth District Legal Office developed an emergency safety zone for the Captain of the Port that successfully addressed a high potential for catastrophe. The temporary rule delicately balanced minimizing impact on commercial shipping traffic, variable currents, cold water temperature and the participants' lack of safety equipment. During the effective period of the zone, an attorney was on-scene to provide immediate legal advice to the Sector Commander, preventing recreational boaters and deep draft vessels from injuring the participants.

Partnership with various U.S. Attorney's Offices. The Ninth District Legal Office continues to use and expand the use of the federal misdemeanor ticket program in conjunction with US Attorney's Offices offering an additional tool for Boarding Officers.

The Ninth District Legal Office worked closely with the Coast Guard Investigative Service Resident Agent Office in Detroit to prosecute an individual who made a fraudulent search and rescue (SAR) call to the U.S. Coast Guard. During the call, the individual claimed to have been involved with a capsized vessel located on Lake Erie, and that his family was still out on the water. The Coast Guard initiated a massive search and rescue operation, which cost approximately \$53,000. In addition to the caller, another individual was implicated for making false statements concerning knowledge of, and involvement in, the false distress call. The caller was prosecuted in federal court in the Eastern District of Michigan. He was sentenced to thirty months incarceration, three years supervised released, and restitution to the United States in the amount of \$53,306.16. The incarceration is the longest known sentence for a fraudulent SAR case.



Chicago G8/NATO Summit. The Ninth District Legal Office provided direct support to Sector Lake Michigan during this high-visibility international event hosted in Chicago. In addition to assisting in the development and promulgation of four key security zones, a representative from the legal office deployed to the Incident Command Post during the event to provide immediate operational legal advice for contingencies during the event.

Eleventh Coast Guard District



The Eleventh District legal office is located on Coast Guard Island in Alameda, California, providing legal support to three Sectors, one Group/Air Station, three other Air Stations, 17 cutters, 13 Small Boat Stations, and 4 Aids to Navigation Teams, as well as the District Commander and staff. The over 2,600 active duty, reserve, and civilian employees of the Eleventh District conduct or support missions over 3.3 million square miles of water. This area of responsibility includes the Eastern Pacific Ocean from South America to the Northern California border with Oregon as well as three of the five busiest commercial container ports in the United States. The legal office consists of the Staff Judge Advocate and a deputy, with support from three additional judge advocates and one support yeoman on rotational assignment from the Legal Service Command.

Parade of Lights. The office worked to bring to a conclusion the Parade of Lights tragedy by finishing the *US v. Ramos* court-martial, to include trial, sentencing, and post-trial and administrative processing. Additionally, the legal office drafted and finalized the District Eleven endorsement on the incident administrative investigations. Finally, the office continued to provide litigation support to the Department of Justice (currently defending lawsuits against the CG), ultimately resulting in the conclusion of the civil litigation in this matter (pending settlement approval from the federal judge).

America's Cup 34. D11 legal provided extensive legal support to Sector San Francisco in its efforts to plan for, and support, America's Cup 34, to take place in San Francisco Bay in 2013. D11 legal assisted the Sector in researching passenger-for-hire issues, customs requirements, inspections requirements, and benefits brought by designating the race as a Maritime Event of National Significance (MENS). Additionally, D11 legal assisted the Sector in drafting and issuing a special local regulation to regulate boat traffic in San Francisco Bay on race days. As part of this effort, D11 legal ensured that Sector San Francisco complied with all relevant environmental laws, including the Endangered Species Act, the Marine Mammal Protection Act, the Migratory Bird Treaty Act, and the National Environmental Policy Act, among others.



Prosecuting Environmental Crimes. The legal office worked diligently to make the Eleventh District one of the Coast Guard's leaders when it comes to prosecuting environmental crimes. To that end, the office assisted Sector San Francisco in the investigation, prosecution, and settlement of two separate oily water separator cases; one resulting in a \$650,000 fine, and the other resulting in a fine of \$1.5 million. In addition to assisting with these two cases, D11 legal also orchestrated a comprehensive oily water environmental crimes prosecution training for Sectors Los Angeles and San Diego. The training was attended by nearly 30 individuals, including inspectors, investigators, CGIS agents, and several Assistant United States Attorneys (AUSA). The training allowed AUSAs out on deep draft vessels so they could observe a vessel engine room, inspect an OWS, and learn more about the Coast Guard's inspection program.

Sexual Assault training. Worked with PACAREA to expand/roll-out new comprehensive sexual assault training program in an effort to prevent sexual assaults. Training is comprehensive, including presentations from Work Life, CGIS, and legal on issues of sexual assault prevention. Additionally, the program is novel in that it breaks out audience by gender to enhance discussion and further bring-home elaborate points. As a result of programs success, the Coast Guard's Sexual Assault Prevention and Response Education/Training Work Group plans to recommend its adoption CG-wide.

Thirteenth Coast Guard District



The Thirteenth District Legal Office, headquartered in Seattle, Washington, supports Coast Guard operational units within Washington, Oregon, Idaho, and Montana. These units cover more than 460,000 square miles of Pacific Ocean, and operate in some of the harshest maritime environments in the country. The Thirteenth District provides maritime safety and security to the largest passenger ferry system, the third largest commercial port and third largest U.S. Naval homeport in the nation. The legal staff includes five active duty attorneys, one civilian attorney, two reserve attorneys, and three support personnel.

One of the core functions of the legal office is to prosecute courts-martial arising at district units. In the past year, the legal office prosecuted one general court-martial and four special courts-martial. Two of these cases were contested and tried before members. The office also provides advice on a high volume of other military personnel issues including administrative separation boards, administrative and claims investigations, searches and search authorizations, military protective orders, civil criminal charges, and Non-Judicial Punishment.

Administrative law is also a significant area of practice. This year, legal staff reviewed sixty eight rulemaking proposals, rules, and notices for field regulations for compliance with the APA and other rulemaking requirements. In addition to these more routine administrative law matters, the Thirteenth District legal office is currently assisting the State of Washington in avoiding preemption issues as they crafted regulations pursuant to

Washington State H.B. 1186. The legal office has also been intensely engaged in the National Environmental Policy Act process for the I-5 Columbia River Crossing project.

The Thirteenth District Legal Office also provides operational law advice to its units. Over the past year this has ranged from relatively routine search and seizure issues to complex scenarios drawing on the full panoply of Coast Guard legal authorities. Noteworthy among these were the development of legal frameworks for operations during maritime disturbances including international labor opposition to the opening of a new grain export terminal and protest activities against arctic drilling activities staged in the Pacific Northwest.

The office evaluated the Coast Guard Authorization Act of 2010 and assisted the District's units in evaluating its broad-based implications, including moving the High Volume Port Area line from Port Angeles to Cape Flattery, a comparability study of regulations and resources relating to pollution response of the United States and Canada, and commercial fishing vessel safety regulations. The office also had a central role in preparing for the arrival of Japanese tsunami marine debris in the Pacific Northwest.

Attorneys at the Thirteenth District serve as Special Assistant U.S. Attorneys for the Western District of Washington and the District of Oregon. In this capacity, the office participated in the prosecution of a false distress case. The defendant pled guilty to providing a false statement to the CG, in association with a distress call he made to the Coast Guard in 2009 while under the influence of multiple prescription narcotics and anti-psychotic medications. He was sentenced to time served and 3 years of supervised release. In addition, the legal office supported the prompt prosecution of the master of a deep draft vessel who was found intoxicated when the vessel arrived in the United States.

The District Legal Office's work with the U.S. Attorneys' Offices also includes participating in environmental crimes cases in their jurisdictions. Notably, District Thirteen Attorneys working with the U.S. Attorney's Office for the District of Oregon obtained a guilty pleas from both the owner and the operator of the M/V ARION SB to one count each of violating the Act to Prevent Pollution from Ships and knowingly making false statements to the Coast Guard. The companies agreed to pay a \$750,000 fine, half of which went to an environmental community service fund. District Thirteen Attorneys negotiated and drafted the Environmental Compliance Plan (ECP), and have provided ongoing assistance in the approval of persons assigned as Court Appointed Monitor, External Audit Group, Corporate Compliance Manager.



Additionally, the legal office participated in the prosecution of the owner of the M/V DAVY CROCKET, a World War II liberty ship abandoned by its owners on the shoreline of the Columbia River, leading to a two-count indictment charging violations of

the Clean Water Act for unlawfully discharging oil into the Columbia River and failing to notify authorities of the oil discharge.

The office provided legal assistance to more than 600 personnel on over 959 legal issues and drafted over 2270 documents, including wills, powers-of-attorney, appointments of medical agent, Washington State child support documents, and orders dividing military retired pay. This was accomplished through extensive travel by the legal assistance attorney, which included twenty on-site visits, providing in-person consultation for all members along the remote Washington and Oregon coasts. The legal office also provided tax preparation assistance to sixty-eight members through its VITA program.

Fourteenth Coast Guard District

The Fourteenth Coast Guard District is the geographically largest District, comprising nearly 12.2 million square miles of the Western and Central Pacific Ocean—an area more than two and a half times larger than the Continental United States—including approximately 42 percent of the United States’ entire Exclusive Economic Zone. The Fourteenth District staff is headquartered in Honolulu, Hawaii, and supports Coast Guard operations within the main Hawaiian Islands, Guam, Saipan, American Samoa, Japan, Singapore and Korea. The legal office is staffed by three judge advocates, one civilian legal assistance attorney, one paralegal, and one legal yeoman.



Combating Transnational Crime in the Western & Central Pacific. The Fourteenth District staff works closely with colleagues at the Department of Defense, Department of State, and the Department of Commerce to develop the legal frameworks necessary to implement effective and efficient interagency and bilateral operations throughout vast under-resourced and unregulated areas of the Pacific Ocean. The Fourteenth District has spearheaded the development and implementation of bilateral ship rider agreements with Pacific Island Nations (PIN), drastically increasing the United States’ strategic presence throughout Oceania and enhancing the PIN’s capacity to combat illicit activity, including illegal, unreported, and unregulated (IUU) fishing as well as narcotics and human trafficking. Over the past year, D14 championed the establishment of U.S. bilateral agreements with the nations of Tuvalu, Nauru, and Samoa, increasing the number of regional bilateral agreements to nine and significantly enhancing the Coast Guard’s ability to maintain maritime domain awareness and the rule of law throughout a geographically remote and resource-constrained region.

International Engagement. Developing strong partnerships with the U.S. Pacific Command and the Defense Institute for International Legal Studies (DIILS), the Fourteenth District legal office planned, coordinated, and implemented the Asia-Pacific Maritime Law, Security, and Cooperation Workshop, a 5 day regional symposium that brought together legal and military experts from 15 Pacific and Southeast Asian countries to Honolulu for discussions on a range of legal topics including Freedom of Navigation, Competing Territorial Claims, Counter-Piracy initiatives, and Humanitarian/Disaster

Relief Operations. These strong partnerships have opened doors for discussions about transnational crime, including IUU fishing, at the 25th Annual Military Operations and Law Conference in Singapore.

Maritime Safety and Security: APEC. The Fourteenth Legal Office was fully integrated in security operations for the 2011 APEC Conference held in Honolulu, Hawaii. Designated a national significant security event (NSSE), APEC was the single largest and most significant security event the State of Hawaii has ever hosted. The Coasts Guard was assigned the task of protecting Heads of State and Dignitaries from 21 Pacific Nations in and around some of the most popular and recognizable waterways in the world. The Coast Guard established and enforced 5 maritime security zones at key areas on the island of O’ahu, including Waikiki Beach, with an estimated 50,000 guests each week. D14 legal served as the Coast Guard’s representative on the APEC legal subcommittee and was the main conduit of information between the Coast Guard and the Maritime Subcommittee and counsel from all other participating agencies. D14 worked with U.S. Attorneys’ Office, the FBI’s Joint Terrorism Task Force, State Attorney General’s Office and the City of Honolulu Prosecutor’s Office developing a sound legal framework for conducting maritime security operations while identify legal authorities available for local, state and federal agencies to share maritime enforcement and disposition responsibilities.

Moloka’i Maritime Protest Operations. Fourteenth District Staff worked to establish a security zone following protest activity on the island of Moloka’i directed at the M/V SAFARI EXPLORER, a small cruise ship, which brought tourists on cruises throughout the Hawaiian Islands. Members of the local community took to the water in small boats and surf boards, creating a dangerous situation for the vessel, protestors and environment by blocking the federal navigable channel. The Coast Guard, working with the local community and Maui County police department, established a security zone that allowed for the safe transit of the vessel while ensuring First Amendment protection for members of the public who desired an opportunity to protest the vessel’s arrival.

Environmental Crimes. Fourteenth District attorneys facilitated the investigation and federal prosecution of a shipboard oil pollution case aboard the Korean flagged M/V KEOJI TIGER in the District of Hawaii. A comprehensive case package was developed and referred to the Department of Justice, Environmental Crimes Section for prosecution in the fall of 2011. A corporate defendant, Keoji Marine, Co. Ltd., plead guilty to three felonies: a violation of the Clean Water Act, and violations of the Act to Prevent Pollution from Ships for falsifying the ORB and obstruction of justice. The company received a total criminal penalty of 1.15 million U.S. Dollars. \$250,000 of this penalty served as a community service payment to the National Fish and Wildlife Foundation (NFWF). The company was also placed on probation for three years, including successful participation in an environmental compliance plan.



Military Justice. Over the past year, Fourteenth District attorneys have participated in a variety of military justice activities including special courts-martial, Article 32 investigations, and advice and counsel to field commanders regarding the Article 15 process. This year an E-1 was taken to Special Court Martial for the wrongful importation of controlled substances. He received a Bad Conduct discharge from the service and confinement for 12 months. Several instances of Non-Judicial Punishment occurred throughout the District, but most notably, the District Commander, conducted Article 15 proceedings against an O-1 in the Coast Guard for Absence Without Leave and an O-3 for Disorderly Conduct and Conduct Unbecoming Officer. The Fourteenth District Legal Office also maintains a strong working relationship with the Staff Judge Advocate's Office at Marine Corps Base Hawai'i. Our offices support each other with judge advocate training opportunities, opportunities to enhance advocacy skills, and by providing Article 32 investigative support. During the past year we participated in joint Sexual Assault Trial Advocacy training and a Coast Guard Judge Advocate worked as a prosecutor for the Marine Corps for 10 weeks.

Legal Assistance Program. The Fourteenth District Legal Assistance Office provided client services to approximately 2,500 Coast Guard personnel, while also administering the legal assistance needs of the large O'ahu based active duty community from the Army, Navy, Air Force, and Marine Corps, including their respective dependents and retirees. Among the noteworthy accomplishments of the past year, the Fourteenth District's Volunteer Income Tax Assistance (VITA) program provided assistance to 153 taxpayers and saved military tax clients an estimated \$27K in preparation fees while processing approximately \$400,000 in tax refunds.

Seventeenth Coast Guard District



Headquartered in Juneau, Alaska, the District Seventeen Legal Office supports the District Commander and subordinate operational units throughout Alaska, the Coast Guard's most environmentally diverse and unique geographic region. Alaska is a maritime state, encompassing 3,853,500 square miles of water and over 33,000 miles of coastline, making for unique environmental and operational challenges distinct from every other district. Alaska is also the true embodiment of the state motto, "the Last Frontier," with its limited transportation infrastructure. The vast majority of the state consists of small communities and villages often accessible only by sea or air. There is no more formidable and unforgiving physical environment for Coast Guard operations, both for air and surface assets. The District Seventeen legal staff consists of three judge advocates and two legal technicians in Juneau and one civilian legal assistance attorney and a paralegal located in Kodiak. Throughout the past year, the office has advised clients on a wide variety of operational law, administrative law, environmental law, civilian and military personnel, claims and litigation, and military justice matters and has provided the legal support necessary to ensure the effective execution of search and rescue, maritime safety, marine environmental protection,

fisheries enforcement, and defense readiness missions throughout the North Pacific Ocean, Bering Sea, and the Arctic.

Arctic Engagement. As the “Gateway to the Arctic,” Alaska is the forefront of the United States’ interest in a matter rapidly growing in importance, both politically and economically. As environmental conditions in the Arctic region evolve, maritime commerce through the Northern Shipping Route is being established as an increasingly viable route for international maritime commerce. D17 Legal assisted in establishing an increased Coast Guard presence and in strengthening relationships with the native communities in the North Slope, including the communities and native corporations of Barrow, Prudhoe Bay, Nome, Kotzebue, among others.

A prime example of Arctic Engagement is Operation ARCTIC SHIELD 2012, which has included outreach to remote Alaskan villages, oil spill response capability testing, increased surface and aviation asset operations in response to increased vessel traffic and oil exploration. The legal office drafted vanguard safety zone regulations for enforcement of the Outer Continental Shelf Lands Act. Additionally, the “Juneau JAGs” provided operational legal advice to CG assets working in close proximity to the exploratory drilling rigs and support vessels (21) and planned protest activity to ensure Rule of Law and protection of First Amendment rights.



Environmental Law. One of the reasons for increased focus on the Arctic is the increased commercial interest in developing natural resource production in the Beaufort and Chukchi Seas. District Seventeen regularly engages with representatives from commercial energy organizations to ensure that exploration activities are conducted in accordance with federal requirements. The legal office ensures the proper precautions are taken to minimize risk and enhance the response to a potential oil spill during any offshore exploration activities. Over the past year, some of the more notable issues addressed by the legal office pertain to the Endangered Species Act. The District Seventeen legal office identified operational risks and ensured the Coast Guard’s unprecedented Arctic operations were consistent with law, thereby preventing costly Endangered Species Act litigation in the Arctic and protecting endangered species and the environment.

District Seventeen judge advocates coordinated a first-of-its-kind Environmental Assessment for OPERATION ARCTIC SHIELD, a ground-breaking accomplishment that will be relied upon as the basis for future Coast Guard Arctic operations.

Operational Law. This year was highlighted by the response to F/V BANGUN PERKASA, which was conducting illegal High Seas Drift Net Fishery Operations in the Western Pacific (in the vicinity of Japan). Quick coordination and support from multiple federal and international partners ensured a rapid response which helped to prevent the vessel from continuing to conduct illegal fishing activities or escaping law enforcement.

The vessel was seized and the crew detained. The six week operation encompassed the detection, boarding, seizure, escort and transfer of the illegal stateless fishing vessel BANGUN PERKASA. This operation involved an enormous amount of effort and coordination by many different levels of U.S. Coast Guard units and personnel. This event highlighted the spot-on timely operational legal advice required to carry-out successful IUU operations on the high seas.

Coming in at a close second to this highlight was the sinking of a derelict, 200-foot, steel-hulled vessel from the 2011 Fukushima, Japan, tsunami. This action was executed to ensure the safety of vessels transiting along the shore of Alaska. The subject vessel was in poor condition, without lighting, and had drifted into a shipping lane that was utilized by cruise ships, cargo vessels and oil tankers transiting to and from the Trans-Alaska Pipeline facilities. The D17 JAGs quickly identified the legal authorities for the action and assisted with the planning to neutralize the hazard to navigation utilizing a 110-foot USCG cutter in rapid fashion.

This past year, an international, first-of-its-kind effort was required to deliver critical supplies to Nome, Alaska, in the winter. This operation required the use of an ice-classed tanker vessel from Russia, the T/V RENDA, to partner with the only operational icebreaker in the U.S., the CGC HEALY, to deliver heating fuel to the Alaskan town, reminiscent of the dogsled team that had to brave an Alaskan winter in 1925 to provide polio vaccine to the stricken village. D17 JAGs worked tirelessly to coordinate a rare Jones Act waiver with MARAD and DOD. The successful operation was executed in compliance with all U.S. commercial and environmental laws, and supplied much need heating fuel to a community based on the cusp of the Arctic Circle.

Alaskan Remote Village & Native Tribal Relationships.

Alaska is unique in that most towns and villages are not connected via roadways, and require maritime or aviation transportation for access and resupply. Alaska is also home to 231 of the 567 federally recognized Indian tribes. Tribal relationships play a key role in operations since tribal influence is prevalent in every town and community within the District Seventeen AOR. The importance of these relationships is indicated by the presence of the Coast Guard's only tribal liaison representative, who is



responsible for managing and assisting with all of the various native tribal issues. Significant events within the last year include partnering with tribal leaders to address their concerns regarding the effect of expanded oil exploration and environmental protest activity on their tribes. The Coast Guard has also engaged North Slope tribes to educate the population on boating and personal safety, as well as providing basic medical and dental care to some remote communities that lack physicians and dentists.

Military Justice. District Seventeen attorneys provide real-time comprehensive legal advice to the District Commander and field commands in resolving and/or disposing of a

variety of military justice issues. Military justice action in the previous year includes coordinating and facilitating court-martials, UCMJ Article 15 non-judicial punishment, reliefs for cause, and processing members for administrative discharge. Issues addressed include homicides.

One notable case included an Article 32 investigation that was used to determine the criminal liability of the sole survivor of an ill-fated flight of a Coast Guard helicopter that resulted in the death of three Coast Guardsmen and the complete destruction of the aircraft.

An additional notable case arose when the Coast Guard was rocked by the murder of two personnel in Kodiak, Alaska, this past year. District Seventeen judge advocates were asked to step-up, deploying to Kodiak within two hours in order to work with the FBI, Department of Justice and the State of Alaska. The deployed D17 JAG supported the multi-agency double-homicide investigation, serving as a critical link between the Department of Justice and the Coast Guard in a complicated investigation

Prevention Law. The District Seventeen legal office also provides guidance to Coast Guard units that interpret and implement maritime safety and security measures designed to ensure safe navigation in the waters of the U.S. and in waterfront facilities. Prevention is also achieved through the vigorous prosecution of environmental crimes cases where licensed mariners intentionally or negligently discharge oil or other pollutants into the waters of the U.S. District Seventeen judge advocates have worked closely with the U.S. Attorney's office in Anchorage, Alaska, to prosecute multiple environmental crime cases this past year.

Of particular note is the maritime casualty that occurred when the M/V PATHFINDER ran aground on Bligh Reef, the same reef the T/V EXXON VALDEZ ran aground upon. This past year, the Master of the PATHFINDER was prosecuted for his criminal negligence associated with navigating the vessel into a well-known and well-charted navigational hazard, resulting in the release of petroleum products into Prince William Sound. The vessel was charged with violating the Clean Water Act.

An additional vanguard issue that arose this past year in District Seventeen is the determination that ice-advisors working aboard commercial vessels operating in ice-laden Arctic waters should be required crew complement. The District Seventeen legal office advised the Captain of the Port for Western Alaska and the District Seventeen Commander with regard to the application of current law to the new and unique facts brought about by increased commercial activity in the Arctic, enhancing safety of life and the environment for commercial vessels operating in the Arctic.

District Seventeen judge advocates also coordinated the implementation of regulations that allow uninspected vessels to provide heating fuel to remote Alaskan villages that do not have a sufficient population or storage facility that would allow commercial tank vessel service. Consequently, remote Alaskan villages have greater certainty with regard

to their heating fuel deliveries, and those deliveries are executed with greater safety for human life and the environment.

Legal Assistance. Between Juneau and Kodiak, legal assistance services are delivered to small communities through regular and frequent traveling road shows. These road shows enable active duty members and their families, many of whom are assigned to remote locations, to receive professional legal services and advice. Due to the challenges created by distances between Kodiak and communities throughout Alaska, the judge advocates in Juneau have the unique and excellent opportunity to deliver a significant amount of legal assistance services to the military members, retirees, and families in this area. The District Seventeen legal office relishes the opportunity to provide services to their shipmates in a wide array of areas: estate planning, family law, adoptions, debt collection, landlord-tenant law, Servicemember's Civil Relief Act, etc. As a result, the District Seventeen legal office earned the prestigious Legal Assistance for Military Professionals award from the American Bar Association this past year.

Coast Guard Academy New London, Connecticut



Coast Guard attorneys are assigned to the Academy in two capacities. First, three judge advocates staff the Academy Staff Judge Advocate's (SJA) office which provides a range of legal services and advice to nearly all Academy elements. Secondly, three judge advocates serve on the Academy faculty where they teach a number of undergraduate law courses as part of the cadet curriculum.

The SJA and his staff furnish all legal advice to the Superintendent, Assistant Superintendent, and all other Academy divisions. The two Assistant SJAs serve as trial counsel for Academy court-martial cases and may be periodically detailed to serve as Summary Courts-Martial or Article 32 Investigating Officers. One ASJA serves as a Special Assistant United States Attorney (SAUSA) by the U.S. Attorney for the District of Connecticut for criminal cases arising on Academy grounds and administers the Federal Magistrate Program at the Coast Guard Academy. Under the Magistrate Program, the SAUSA may prosecute civilians that commit offenses on Academy grounds (assault and drunken driving are examples). Additionally, the ASJAs provide legal assistance to eligible beneficiaries, client support to staff elements, and in partnership with the IRS, supervise the Volunteer Income Tax Assistance Program. In 2012, the Coast Guard Academy's VITA program filed approximately 500 federal and state returns, helped clients recovered almost \$500,000.00 in refunds, and saved clients over \$100,000.00 in tax preparation fees.

All three judge advocates of the SJA's office serve as law instructors to over 13 different courses throughout the year, including various Leadership Development Center (LDC) courses and introductory military justice and standards of conduct briefings for the Corps

of Cadets. The staff trained over 400 LDC students and 500 cadets, providing approximately 250 hours of classroom instruction.

The Coast Guard Academy law programs continue to grow and thrive, with this past year's events exposing cadets to an ever-increasing variety of places, perspectives, and legal practice areas. The faculty taught courses in Maritime Law Enforcement, Criminal Justice, Trial Advocacy, International Law, and Constitutional Law to hundreds of cadets.

Faculty members served as moderators at legal conferences were guest speakers on national talk shows and were published in legal journals and the popular press.

The Law Section sponsored the Fifth Annual Guardian Invitational Intercollegiate Mock Trial Competition at the Academy. Scores of attorneys and legal professionals volunteered to judge 200 college competitors representing over a dozen colleges. The Academy's own Mock Trial Team had a strong performance this year, earning awards for "best attorney" at a regional tournament hosted by Yale University.

Six cadets enrolled in the Academy's International Law course attended the International Institute of Humanitarian Law's Law of Armed Conflict Competition in San Remo, Italy. This annual event included cadets and midshipmen from 16 military academies from around the world. An internationally mixed team with Coast Guard Academy members placed first overall in the competition.

The Law Section partnered with the Law of the Sea Institute at U.C. Berkeley School of Law to host an international, interdisciplinary conference on "Leadership for the Arctic." The event included experts on Arctic history, science, safety, stewardship, governance and legal issues. Two conference panels were chaired by CGA lawyer-professors. In attendance were the heads of several agencies from the United States and Canada. For more information on the conference, please see www.uscga.edu/arctic.

Beyond academic endeavors of the faculty and the furnishing of legal advice by the Staff Judge Advocate's office, faculty and staff attorneys continue to volunteer for duties away from the Academy.

Finally, the Academy was honored to host ABA President, Mr. Bill Robinson and his wife for the day. They attended a class taught by the law faculty, toured one of our vessel simulators, toured CGC EAGLE (America's Tall Ship), and enjoyed having lunch with cadets involved in the Academy's Mock Trial team.

Coast Guard Training Center Yorktown, Virginia

Coast Guard Training Center Yorktown is the largest training center in the Coast Guard, and one of three Coast Guard commands where legal advice is provided by a single independent duty attorney. This active duty SJA, assisted by an active duty legal assistant, provides advice on a broad range of legal issues covering the full spectrum of

the training center's operations. The principal job of the training center SJA is to advise the commanding officer and command staff on a broad range of legal issues, including military and criminal justice, real property, ethics, environmental law, and fiscal and contract law.



In addition to being the legal counsel for the commanding officer, the SJA serves as a legal assistance attorney for all of the command's students and permanent party members, as well as members at several outlying units. In the last year, the SJA provided assistance to more than 200 members. The training center is home to 16 separate schools, including the National Search and Rescue School, the International Maritime Officers School, the National Aids to Navigation School, and the Coast Guard's Operational Intelligence, Marine Inspections and Investigations, and Port Operations Schools. The assigned attorney provides instruction during these courses on a variety of legal subjects including the Fourth and Fifth Amendments. The Training Center SJA also provides instruction on Coast Guard legal issues during the Coast Guard's Sector Department Head and Sector Commander courses.

Coast Guard Training Center Cape May, New Jersey

One Coast Guard attorney is assigned as the SJA for the Coast Guard's 5th largest base and only Recruit Training Center. Coast Guard Training Center Cape May is the home of the Coast Guard enlisted corps -- it is the Coast Guard's sole enlisted accession point and basic training center. Thousands of the finest young men and women in service to the United States of America pass through the gates each year. The Training Center's goal is to graduate Coast Guardsmen who are morally, mentally and physically ready to serve the citizens of the United States.



The SJA advises the Commanding Officer in all legal matters involving the Training Center. Major areas requiring advice include community relations, real property management, licenses, recruit separations, government contracts, acquisitions, environmental matters, philanthropic support, claims and litigation, ethics regulations, fiscal law, personnel law and labor/management relations, and Freedom of Information Act and Privacy Act. The SJA is directly responsible to the Commanding Officer for all military justice matters, and provides local liaison with Coast Guard Investigative Service, the U.S. Attorney's Office, and the Cape May County Prosecutor. In addition, the SJA assists the Training Center's 14 tenant commands. As the sole military legal assistance attorney in southeastern New Jersey, the SJA also provides counsel on personal civil affairs to recruits, active duty personnel, dependents, local retirees, and various local commands throughout the region.

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