REPORT OF THE

JUDGE ADVOCATE GENERAL

OF THE

UNITED STATES COAST GUARD

PRESENTED TO THE AMERICAN BAR ASSOCIATION

Boston, MA

August 2014
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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, enforce its laws, uphold its maritime sovereignty, ensure the safe passage of cargoes and people, rescue those in distress, 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 its establishment 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 U.S. territory, population, vessels, and critical infrastructure. It upholds United States maritime sovereignty and enforces U.S. 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 and advance U.S. maritime interests around the globe. The Coast Guard is actively engaged in numerous multilateral international maritime forums. The Coast Guard carries out joint operations with partner nation navies and coast guards in nation building efforts. Working side by side with global partners, the Coast Guard ensures worldwide maritime safety, security and environmental protection principles become embedded in international law. In its most simple terms, the Coast Guard’s job is to protect those on the sea, protect the Nation from threats delivered by 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.

The Coast Guard’s key strengths are its unique and extensive legal 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 thirty-seven sectors in nine 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.
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 are achieved within the spirit, as well as the letter, of the law.

Coast Guard legal services are provided by 286 attorneys (194 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 194 Judge Advocates, 37 are currently performing out-of-specialty tours, including Sector Commander and Deputy Commander and as Special Advisor to the Office of the Vice President. Currently three Judge Advocates are serving as Flag Officers: The Judge Advocate General, the Vice Admiral who serves as the Deputy Commandant for Operations, and the Rear Admiral who serves as the J7 (Director, Exercises and Training) at U.S. Cyber Command. In July 2014, another Judge Advocate was selected in this year’s Flag Selection Board. 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, including the Staff Judge Advocate, U.S. Africa Command, U.S. Pacific 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).
Legal Service Command. The Legal Service Command (LSC), with offices in Norfolk and Arlington, Virginia, and Alameda, California, provides field-level legal 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 (with offices in 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 Maritime Law Enforcement Academy, the National Pollution Funds Center, Personnel Service Center, Pay & Personnel Center (Topeka), and the Research & Development Center, the National Centers of Expertise (West Virginia and New Orleans). These staffs and counsel report to the local commander but are under the technical supervision of the Judge Advocate General.

Reserve Judge Advocate Program (RJAG). Judge Advocates in the Coast Guard Reserve support a wide range of operations, while also performing more traditional legal support functions such as military justice, legal assistance, and ethics reviews. That considerably broad level of support has been and will continue to be extraordinarily valuable to each of the supported commands. But a recent programmatic review has made clear that, in order to best align with the readiness principles outlined in the Commandant’s Reserve Policy Statement, additional emphasis must be placed on one function in particular: legal support during disaster response operations.
In 2011, the Judge Advocate General chartered a working group to develop recommendations for a structured approach to the management of Reserve Judge Advocates. The working group first concluded that—to best advance the Commandant’s readiness objectives—the legal program must prioritize training for support of major contingency operations such as Deepwater Horizon or Hurricane Katrina. To that end, the working group developed detailed solutions that would: (1) create a new reserve legal program organizational structure; (2) define the core competencies that Reserve Judge Advocates must possess in order to provide legal advice during a crisis; (3) develop a standardized training program; (4) establish a career path for Reserve Judge Advocates similar to that enjoyed by their active duty colleagues; and (5) develop a way to track Coast Guard Reservists who are not in the Reserve legal program, but who possess legal training and who are available to provide legal support services after a disaster.

The group’s findings have been approved at the highest levels of the Coast Guard, and the service is now developing a reserve legal program consistent with the working group’s recommendations. The program under development currently consists of 39 legal officers supported by a staff of 18 administrative personnel, to be divided into eight teams based geographically throughout the continental United States. The standard regional team will be comprised of a Commander, a Lieutenant Commander, three Lieutenants, and two support personnel. The program will be led by a reserve Captain assigned to lead a team of five attorneys at Coast Guard Headquarters in Washington, D.C. A second reserve Captain is assigned to lead a team at Coast Guard Legal Services Command (LSC) in Alameda, California. The Captain at Headquarters is responsible for developing and implementing the reserve legal program while the Captain at the LSC is responsible for overseeing the accompanying training program. Every team leader is responsible for ensuring their team is qualified to respond when called upon. Fully developing the reserve legal program is expected to take until 2016.

HOW WE PRACTICE

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 ensures 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.

- CGJAG adheres to the Professional Responsibility Program and works within the spirit of Coast Guard values of honor, respect, and devotion to duty.

We serve the Coast Guard and our clients.

- Any SJA may communicate directly with other legal leaders to protect Coast Guard interests.
- Judge advocates and civilian counsel may consult with higher authority to protect Coast Guard interests.
- In the normal course of duty, attorneys will consult their seniors, and subordinate SJAs will consult intermediate SJAs.

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

- The Judge Advocate General will apply CGJAG resources to meet Coast Guard requirements wherever they are without being limited by geography or organizational boundaries.
- All CGJAG leaders wherever located will mutually “flex” resources when limited capacity or expertise compels it.

Every counsel will have a senior counsel.

- An attorney shall be in the rating chain of all judge advocates and either be in the rating chain of civilian counsel or provide input.

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.
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.

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*As of 31 July 2014
†This only includes cases referred to Summary Courts-Martial after preferral to either a Special or General Court-Martial. Cases directly referred to Summary Courts-Martial are tabulated at the end of the fiscal year and the total number of Summary Courts-Martial is significantly greater than reported above.

**Appellate Activity.** As of 10 June 2014, the Coast Guard Court of Criminal Appeals issued 9 opinions for Fiscal Year 2014. The Court is composed of 1 full-time Chief Judge (civilian), and 7 collateral-duty appellate judges. Presently, the collateral duty judges consist of 6 active duty Coast Guard judge advocates and 1 civilian attorney from the Office of the General Counsel, Department of Homeland Security.

As can be seen in the table, Fiscal Year 2014 has seen a significant increase in the number of trials, and this in turn is beginning to lead to a significant increase in the appellate case load.

**Implementation of the Special Victim Counsel Program.** In July 2013, the Coast Guard stood up the Office of Special Victims Counsel to provide support, services, and legal advice to the victims of sexual assault. For detailed information, see the section below discussing the Office of Member Advocacy Services and Legal Services, below. The same resource proposal that enabled staffing the SVC program with full time position also resulted in the addition of a GS-15 position to the Office of Military Justice, along with an additional O-3 military position. The GS-15 is designed to provide
expertise and continuity to the Office of Military Justice on a wide range of issues including trial counsel assistance and appellate cases.

**Military Justice Review Group.** The General Counsel of the Department of Defense invited the Coast Guard to assign a representative to the Military Justice Review Group, the organization chartered by the Secretary of Defense to comprehensively review the Uniform Code of Military Justice and make recommendations for possible change. An O-5 was assigned immediately for a six month period and he was relieved in June 2014 by another O-5, now permanently assigned to the Group.

**NDAA for Fiscal Year 2014 Implementation.** The National Defense Authorization Act for FY14 (NDAA) contained 47 provisions amending the UCMJ or laws and policies affecting military personnel. The Office of Military Justice, in its capacity as the Coast Guard’s representation on the Joint Service Committee on Military Justice, is working with the other services at an accelerated pace to implement all of the provisions, particularly as they affect the UCMJ, within the timelines prescribed by Congress. Several of the legislative changes to do apply to the Coast Guard, but the Office of Military Justice is working to ensure that the service implements those changes by policy in order to maintain appropriate parity with the DoD services. In addition, the Assistant Commandant for Human Resources chartered a cross-functional group to draft Coast Guard implementation of provisions that impact personnel policy. That group also coordinates to ensure that all 47 provisions are either in the process of being implemented, where directly applicable to the service, or that a decision is under consideration as to whether to adopt them on our own if the provision does not specifically apply. The group also tracks implementation efforts. With a number of further changes pending in the proposed NDAA for Fiscal year 2015, it is likely these efforts will continue.

**Sexual Assault Prevention Council.** The Sexual Assault Prevention Council (SAPC), of which the Judge Advocate General is a member, set about a multi-year effort to ensure implementation of the Coast Guard’s SAPR Strategic Plan. Two subcommittees were formed to accomplish implementation, one of which, the Investigations and Accountability Subcommittee, is co-chaired by the Chief of the Office of Military Justice (originally chaired by the Commanding Officer of the Legal Service Command) and the Deputy Director of the Coast Guard Investigative Service. The Subcommittee implemented a pilot Case Review Board, with multi-disciplinary members, to examine sexual assault cases from beginning to end after the fact to see if useful lessons for future application can be gleaned from those cases.

The Subcommittee also led efforts to adopt a service-wide Crisis Intervention Team model, pioneered at the Coast Guard Academy, in order to respond to reports of sexual assault. This team brings together command representatives, judge advocates, investigators, and medical and other response personnel to respond to unrestricted reports of sexual assault and to develop the appropriate way forward in each case, including aiding the investigation, separating the alleged victim and accused, and establishing follow-on victim care.
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 Response Law Division, which addresses issues related to law enforcement, living marine resources, search and rescue and defense operations; the Prevention Law Division, which addresses issues concerning vessel safety and security; and the Environmental Law Division, which address environmental crimes, environmental compliance, and protection of the marine environment. 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:


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.

Arctic Shield 2014. With Shell Oil not being permitted to drill in the Chukchi and Beaufort Seas in 2014, the Coast Guard focused on preparedness training, oil spill response research, and further study and assessment of planned operational activity by the Coast Guard in the Arctic. The Seventeenth District is the spear head for Arctic operations.

Prevention and Environmental law activities:
Environmental Issues. Coast Guard attorneys have continued work on a variety of environmental issues including continued collaboration with the Environmental Protection Agency regarding ballast water discharges. Our attorneys are also continuing to work with the Environmental Protection Agency on implementation of MARPOL Annex VI, and have assisted in the issuance of seven Emission Control Area exemption/equivalencies. Since 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.

Outer Continental Shelf Issues. Coast Guard attorneys have focused on supporting regulatory initiatives governing activities conducted on the U.S. outer continental shelf, including a potential expansion of the regulatory mission to include alternative energy facilities. 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 includes Protection of the Arctic Marine Environment (PAME) initiatives, including implementation of the Arctic Marine Shipping Assessment and review/advice for the Arctic Ocean Review. At IMO, Coast Guard attorneys are working on the development of a Polar Code, which addresses design, engineering, operational, and environmental standards for ships operating in polar environments. In May 2013, the Coast Guard unveiled its Arctic Strategy outlining the service’s pursuit of three main objectives: improving awareness, modernizing governance and broadening partnerships; and directly supporting the administration's national strategy for the Arctic region. http://www.uscg.mil/seniorleadership/DOCS/CG_Arctic_Strategy.pdf

Marine Casualties & Investigations. Coast Guard Attorneys regularly provide continuing legal support for accident investigations. This year CG attorneys lent their support and expertise to 3 particularly high-profile investigations. They advised on the U.S.’s rights and obligations as a substantially interested state in the COSTA
CONCORDIA investigation. CG attorneys also managed the substantial public and congressional interest in the accident and a renewed interest in Cruise Ship Safety by drafting and reviewing responses. Following the sinking of the S/V BOUNTY during hurricane Sandy and the grounding of the Shell MODU KULLUK in Alaska, CG attorneys provided timely advice concerning a myriad of investigative requirements including evidence collection & preservation, witness interviews, information sharing, subpoenas, and the conduct of formal public hearings.

**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).

**Environmental Crimes.** In the last year, 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 falsification of oil record books to attempt cover up the intentional discharge of oily wastes and other hazardous substances into the sea. Referrals normally average 12 to 15 cases per year (or about one-quarter of 1 percent of all port state control boardings conducted).

**Environmental Compliance.** Coast Guard attorneys work with client operational managers in evaluating environmental compliance obligations and assist the agency in working with relevant regulatory agencies at the state and Federal level to ensure that such operations are conducted within legal guidelines. Coast Guard counsel were instrumental in the finalization of a Memorandum of Understanding with several Department of Transportation components and a Memorandum of Agreement with the Federal Highway Administration, to expedite and coordinate the planning, environmental review and decision making for bridge permits. A Memorandum of Understanding with the Navy should also assist the Coast Guard in coordinating future environmental compliance activities for at-sea operations, assisting both services in the preparation of more efficient and effective environmental compliance documents.

**Response law activities:**

**Multi-Lateral Maritime Counter-Drug Summit.** In September 2013 and April 2014, members of the Response Law Division (RLD) led U.S. participation in Multi-Lateral Maritime Counter Drug Summits (Multi-Lat) in Panama City, Panama and Cartagena, Colombia, 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 law enforcement and evidentiary case packages to support foreign prosecutions and to assist partner-nations to ensure maritime law enforcement actions are well coordinated, reasonable in the application of force, and consistent with human rights obligations under the law.
Oceana Maritime Security Initiative (OMSI). Based on the June 2012 tripartite memorandum of agreement with the Department of Defense, the National Oceanic and Atmospheric Administration, and the Coast Guard, Coast Guard law enforcement detachments support periodic U.S. Navy maritime patrols in the Pacific to enforce fisheries regulations. The Response Law Division continues to negotiate and amend bilateral maritime agreements with Pacific Island Nations to allow for cooperative law enforcement operations throughout the region.

Increased Interaction with U.S. Africa Command (AFRICOM) Support. The Response Law Division continues to work with AFRICOM to establish the bilateral framework and legal basis for engaging in the African Maritime Law Enforcement Partnership (AMLEP) including recent combined fisheries operations with Ghana near the Gulf of Guinea. These operations begin with appropriate legal assessments and are normally conducted in conjunction with visits by teams from the Defense Institute for International Legal Studies (DIILS) and bilateral agreement negotiations.

Support for Coast Guard Operations. The Response Law Division provides 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. To further support Coast Guard operations, Coast Guard judge advocates are appointed as full-time Special Assistant U.S. Attorneys (SAUSA) to U.S. Attorney’s Offices in key cities around the United States.

Prosecutions for criminal violations of counterdrug and counter-alien smuggling laws. So far in FY14, the number of counter-drug cases referred to the Department of Justice (DOJ) for prosecution under the Maritime Drug Law Enforcement Act (MDLEA), including crimes for possession of controlled substances aboard vessels subject to the jurisdiction of the United States, is 4424 (with 1303 defendants). For this period, the Coast Guard seized 89,468.4 lbs of marijuana and 77,487.4 lbs of cocaine with an additional 82,368.46 lbs of cocaine were disrupted through partner nation prosecution). During the same time period, the number of Coast Guard alien smuggling cases referred to DOJ for violations of the Immigration and Nationality Act (INA) was 372 (with 10646 defendants). This resulted in the interdiction of 2,712 illegal migrants (804 from Haiti, 274 from the Dominican Republic, 44 from Mexico, 1,561 from Cuba, and 29 from other countries).
Intelligence and Information Law

In 2013, The Judge Advocate General established a new office focused on delivering legal services to the Intelligence program, including the Coast Guard National Intelligence Element, Cryptologic Group, Counterintelligence Service, Investigative Service, and the Command, Control, Communications, Computer and Information Technology (C4IT) program at Coast Guard Headquarters. This reorganization enables enhanced direct reporting to TJAG for privacy, civil liberties, and intelligence oversight matters. The Office is centrally located at Coast Guard Headquarters, but individual attorneys are co-located with clients at intelligence Command locations as well as within staff offices at the Douglas A. Munro headquarters building. Additionally, the Information Law division provides subject matter expertise for all of CGJAG, as well as Coast Guard programs, on all aspects of information law.

Information Law Division. This practice area involves legal advice and guidance on issues pertaining to the proper disclosure of information, including sensitive but unclassified (SBU) information, to the public and other governmental agencies. Proper disclosure involves detailed review and analyses to legally justify any denial of requests made by the public under the Freedom of Information and Privacy Acts. The practice directs and facilitates administrative compliance with disclosure law whenever the Coast Guard makes sensitive government investigatory records available to the public and other government entities, e.g., to family members of Coast Guard personnel killed in mishaps. The Information Law practice works to ensure the legitimate sharing, safeguarding, and handling of SBU information between the Coast Guard and other Federal government agencies. Issues raised involving privacy and civil rights are often analyzed within this practice area, especially in developing policy on government collection and access to sensitive personally identifiable information via new technologies, including the handling of privacy incidents and breaches on the Internet and safeguarding data collected through government use of emerging technologies. Information Law also serves as intermediate intellectual property (IP) legal advisor, in consultation with the DHS Office of General Counsel attorneys, in the areas of copyright, trademark, branding, and licensing.

Attorneys from the Office of Intelligence and Information Law directly participate in the US Delegation to the International Maritime Safety Organization Advisory Committee meetings, with an embedded attorney traveling overseas and representing the United States in ongoing negotiations regarding spectrum management and allocation, and the potential addition of second commercial provider of approved maritime iridium satellite telephones. The office provided legal counsel for the development of international information sharing initiatives with Canada and Australia, enabling the implementation of a non-binding agreement of principle intent.

Intelligence Law Division. As a member of the Intelligence Community (IC) since December 2001, Coast Guard Intelligence is required to comply with Executive Branch and Statutory oversight requirements, including mandatory reporting to Congress. The Coast Guard Intelligence and Criminal Investigations Enterprise (CG-2) is divided into
two elements. The Law Enforcement Intelligence Element (LEIE) plans, directs, collects, reports, processes, exploits, analyzes, produces, and disseminates information pursuant to Coast Guard law enforcement and regulatory authorities enabling mission performance. The National Intelligence Element (NIE) conducts intelligence activities an IC member, this authority is described 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. Coast Guard Judge Advocates from this Office provide direction legal support to intelligence activity by working closely with Officers and Agents to protect the Coast Guard and the United States from foreign based threats.

The office completed a legal analysis of Presidential Policy Directive (PPD) 28 on signals intelligence and its impact on Coast Guard intelligence policies and practices. The office continues to be an active participant in the ongoing discussions among legal counsel for the various Intelligence Community members regarding implementation of PPD 28 and potential upcoming changes to intelligence collection efforts. Attorneys are working closely with the Office of the Director of National Intelligence Office of General Counsel and the Department of Justice National Security Branch to evaluate and update Coast Guard intelligence activities procedures. An embedded attorney in Coast Guard Counter Intelligence has provided significant legal support to the establishment of the insider threat evaluation program, which implements Executive Order 13587, “Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information.” This multidisciplinary team is working to identify, prevent, and respond to insider threats to the Coast Guard. Two Privacy and Civil Liberties Oversight Board inquiries and a form review form the Senate Select Committee on Intelligence Staff have been successfully satisfied. In conjunction with other CGJAG offices, the office has prepared an impact analysis defining the impact of recent significant cases on Coast Guard operations, including *Riley v. California*, 134 S. Ct. 2473 (2014).

**Cyberspace.** The Office of Intelligence and Information Law also supports the Coast Guard Cyber Commander. USCG Cyber Command was commissioned in July of 2013. The Commander responds to U.S. Cyber Command to ensure synchronized actions in cyber space are effective to protect and defend Coast Guard cyberspace activities. This growing practice area is rapidly evolving to include all aspects of electromagnetic spectrum issues with frequent intellectual property and privacy matters.

**Coast Guard Investigative Service (CGIS).** The judge advocate embedded with CGIS has made several improvements and completed several initiatives in the past year in support of criminal investigations. These initiatives include updating the CGIS Brady/Giglio policy to ensure compliance with mandatory disclosure of information regarding investigating agents. CGIS took the lead in creating a standing working group for counsel assigned to Military Criminal Investigative Organizations, which meets quarterly to discuss current issues affecting military criminal investigations. CGIS works
actively with a US Attorney’s office in an effort to facilitate prosecution of former military members for failure to register as sex offenders.

**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.

In 2014, 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, Aids to Navigation and marine safety mission functions; military personnel pay and discharge matters; matters involving Merchant Mariner Credentialing; and matters arising from the Deepwater Horizon disaster. Examples of significant litigation are reported below.

**Litigation arising from BP DEEPWATER HORIZON.** The United States continues to pursue a civil action to recover civil penalties under the Clean Water Act and hold BP and other defendants liable for natural resource and other damage under the Oil Pollution Act. Phase 1 of the civil trial, liability matters, took place in the spring of 2013. Phase 2 of the civil trial concerned the amount of oil discharged and efforts controlling the discharge at the well head, and concluded in the fall of 2013. Phase 3 is set to begin in January 2015 and will examine the eight factors the Court must consider in determining the amount of the civil penalty.

*Watervale Marine Co. Ltd. v. Department of Homeland Security, 12-CV-0105 (D.D.C.)*. Plaintiffs own and operator four foreign-flagged merchant vessels that the Coast Guard held at United States ports for investigation of criminal violations and later released, but only after Plaintiffs had each posted a bond and executed a security agreement that contained various non-financial conditions. Plaintiffs argued that the Coast Guard could only require a bond or other financial surety, but the Court agree with the United States that 33 U.S.C. § 1908(e) commits entirely to the agency’s discretion the matter of when and under what circumstances the Coast Guard may grant departure clearance to a vessel detained under that statute.

*Alliance to Protect Nantucket Sound v Salazar, et al., 10-cv-1067 (D.D.C.) (Cape Wind)*. Alliance to Protect Nantucket Sound claimed the Coast Guard was arbitrary and capricious in drafting navigation safety Terms and Conditions, which are included in the Lease for the Nantucket Sound wind farm. The Terms and Conditions were submitted to
the Department of Interior pursuant to the Coast Guard and Maritime Transportation Act of 2006. This case joined four other pending cases against DOI and several other Federal Agencies concerning the Nantucket Sound wind farm. In granting summary judgment in favor of the Coast Guard, the Court used a very practical, common-sense application of CG&MT Section 414 and the Coast Guard process finding that the Coast Guard looked at the requirements regarding navigation safety and followed them. In doing so, the Court gave considerable deference to the CG’s expertise.

Alaska v. Clinton, et al.; 3:12-cv-142 (D. AK). The United States, Canada and 70 other countries entered into an international treaty to lower the amount of pollution from ships. Because air pollution from ships can have a more direct impact on human health and the environment in certain locations, the treaty established a procedure for the treaty parties to jointly designate “emission control areas,” (ECAs) that would have more stringent limits regarding ship emissions. The treaty, known as the International Convention for the Prevention of Pollution from Ships (MARPOL or Convention), and Annex VI to the treaty, under which ECAs are designated, received the advice and consent of the Senate and are implemented domestically through the Act to Prevent Pollution from Ships. Alaska challenged the treaty parties designation of waters adjacent to most of the United States and Canadian shorelines in the Atlantic and Pacific oceans, including waters off part of Alaska, as an ECA. In support of its challenge, Alaska asserts an array of statutory, constitutional and APA arguments, all aimed at asking the Court to force the U.S. to act in a manner that could have been considered by the treaty parties as a breach of our obligations under MARPOL. The District Court granted the U.S. motions to dismiss on September 16, 2013.

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. 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 modernization investment portfolio of over $27 billion.

Several ongoing major and significant system 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 is replacing aging 378’ Secretary Class cutters. Four NSC cutters have been built, and a fifth and sixth are currently under construction under fixed price contracts. A contract for the Long Lead Time Materials for the seventh is in process, and funding for the eighth and final cutter is part of the FY15 budget. The procurement strategy used by the Coast Guard, where the first in class cutter is built on a cost basis and then moving to a fixed price contract is paying great dividends in terms of cost control to preserve taxpayer dollars.

Fast Response Cutter (FRC). The Coast Guard has taken delivery of nine of the Sentinel-class FRC, a 154-foot multi-mission cutter that replaces the aging Island-class 110-foot patrol boat. The tenth cutter is scheduled for delivery in August 2014. 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 $11 Billion, will be the largest single class cutter acquisition, in terms of cost, in Coast Guard history. Source selection was completed in February 2014 with award of three contracts for Phase 1 for Preliminary and Contract Design firm-fixed price to Bollinger Shipyards of Lockport, LA; Bath Iron Works of Bath, ME, and Eastern Shipbuilding Group, Inc., of Panama City, FL. Protests of the awards to the Government Accountability Office by two unsuccessful offerors were denied. At the end of 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. This program will be critical to the Coast Guard’s ability to fulfill its maritime mission in the future.

Financial Management Service Improvement Initiative. The United States Coast Guard is in the process of modernizing its financial processes to more accurately account for the expenditure of funds and to provide greater control of its physical assets. This is being done through the acquisition of financial services, in accordance with guidance from the Office of Management and Budget (OMB) to ensure compliance with federal accounting standards and practices. While this acquisition is still in the exploratory stage, it is expected that the Coast Guard will acquire these services from a Federal Shared Service Provider, which is a federal agency that has been certified by the Department of the Treasury to provide the services to other agencies.
General Law

Within the CGJAG Office of General Law, attorneys provide legal advice in the following practice areas:

- Fiscal Law
- Employment law (military and civilian including advice and CG representation on matters involving the Merit Systems Protection Board, Equal Employment Opportunity Commission, and labor relations)
- Ethics Law
- Real property Law
- Administrative Law

**Fiscal Law.** Attorneys in the fiscal law practice group provide advice and legal services on the financial aspects of Coast Guard operations. Over the past year, fiscal law attorneys advised Coast Guard leadership on major projects with significant impact, including the authority and availability of past-year appropriations to build a fully functional replacement aircraft. Expert drafters, fiscal attorneys were relied on to craft language for appropriations bills and legislation with a budgetary nexus. The fiscal law practice group has advised on the availability of appropriations for the purchase of a system on Long Range Surveillance Aircraft and for funding a North Pacific Coast Guard Forum. Attorneys provided critical legal support to the Comptroller of the Coast Guard regarding the Determination and Finding to reconcile waiver of indebtedness in the Homeowner’s Assistance Program, and in the drafting of a legislative change proposal to give Coast Guard parity with the Department of Defense enabling authority for waiver of indebtedness. Due to their advice and guidance, nineteen Coast Guard members’ debts have been waived or remitted. Fiscal law attorneys also provided critical advice during the lapse in appropriations that facilitated the execution of critical Coast Guard missions that protected life and property. Finally, fiscal law attorneys provided advice on a Foreign Military Sales case between the Coast Guard and the Royal Navy, which will result in an exchange opportunity for some Coast Guard enlisted members.

**Employment Law.** For the period of July 2013 to the present, Coast Guard employment and labor law attorneys handled 90 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 310 cases.

**Ethics.** For the period of July 2013 to the present, the Coast Guard’s ethics attorney handled approximately 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 program (over 1100 filers) as well as the Coast Guard’s Public Financial Disclosure Report program. In addition, the Ethics attorney provided legal advice and guidance to Coast Guard employees affected by the Stop Trading on Congressional Knowledge Act.
Real Property. The real property attorney provides legal advice and services on myriad real property matters. Since July 2013, the real property attorney advised on Coast Guard Sector Anchorage’s relocation to Joint Base Elmendorf-Richardson, which was finalized in January 2014. Moreover, this attorney provided robust advice to the Coast Guard’s housing program manager regarding standard leases, divestiture, eligibility waivers, and unaccompanied personnel housing policies, as well as guidance on a draft deed and Memorandum of Agreement for a proposed Coast Guard Museum.

Administrative Law. This group of military attorneys advises senior program managers on a broad array of legal issues related to the efficient administration of the Coast Guard. Since July 2013, this group has provided Coast Guard leadership with guidance on the constitutionality of displays of the Confederate flag in Coast Guard workplaces and worked with the Coast Guard’s Human Resource Directorate on changes to the Coast Guard’s substance abuse policy. In response to a spate of serious vessel and aircraft mishaps, they led the effort in developing significant improvements to the Coast Guard post-mishap investigatory process. Their work, besides improving safety and streamlining the Coast Guard’s investigatory process, will instill confidence in service members and family members that the Coast Guard treats its mission to draw lessons learned from these tragic events seriously. Additionally, this group submitted over 150 Coast Guard advisory opinions to the Coast Guard Board for Correction of Military Records, and provided legal advice on a wide array of legal issues related to the lapse in appropriations, including the Pay Our Military Act, training, travel, and operations.

Criminal Prosecution. A Coast Guard (civilian) employee at Coast Guard Communications Facility Kodiak, Alaska was arrested and indicted in the killing of two of his co-workers. Both men were killed in the office, shortly after reporting to work, at the Coast Guard Communications Facility, a place within the special maritime and territorial jurisdiction of the United States. The Defendant was prosecuted in the United States District Court for the District of Alaska. He was found guilty of all charges, including Murder in the First Degree, Murder of Officers or Employees of the United States, and Possession and Use of a Firearm in Relation to a Crime of Violence, in April, 2014. In July, he was sentenced to four consecutive and two concurrent life sentences. Members of the prosecution team included lead prosecutor and former Coast Guard officer AUSA and a Captain in the Coast Guard serving as SAUSA.
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 613 field regulations, 10 Headquarters proposed rules, 15 Headquarters notices related to Headquarters rulemaking projects (such as a notice of intent, inquiry, or availability, or a withdrawal), 4 Headquarters interim rule, and 9 Headquarters final rules.

Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard (Notice of Proposed Rulemaking; December 27, 2013). On December 27, 2013, the Coast Guard published its Notice of Proposed Rulemaking entitled “Assessment Framework and Organizational Restatement Regarding Preemption for Certain Regulations Issued by the Coast Guard.” In this rule, the Coast Guard proposed its assessment framework for the federalism implications of regulations issued under the authority of various statutes within Titles 33 and 46 of the United States Code. The Coast Guard proposed to add subpart 1.06 to Title 33 of the Code of Federal Regulations to allow easy access to this assessment framework and organizational restatement by interested persons and parties. The initial comment period expired on March 27, 2013, but was extended until May 26, 2014. The Coast Guard held two public meetings: one in Arlington, Virginia on May 13, 2014, and the other in Seattle, Washington, on May 16, 2014.

In light of recent Federal cases and the Presidential Memorandum on Preemption issued on May 20, 2009, the Coast Guard believes that a clear agency statement of the preemptive impact of our existing regulations, particularly those regulations issued prior to the promulgation of Executive Order 13132, Federalism, can be of great benefit to State and local governments, the public, and regulated entities. This proposed rule would issue a general restatement of preemption, coupled with specific statements regarding regulations issued under the authority of statutes with preemptive effect, including, among others, the Ports and Waterways Safety Act (PWSA) of 1972, as amended (33 U.S.C. 1223 et. seq.). This rule would not change or alter the Coast Guard’s view on the law or preemption, or the preemptive impact of our existing regulations. It also would not affect any regulation promulgated pursuant to authority under which Congress has expressed an intention not to preempt State or local law or regulation. The Coast Guard
is currently reviewing all of the comments as we consider our next steps in the rulemaking process.

**Implementation of the Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, and Changes to National Endorsements (Final Rule; December 24, 2013).** The Coast Guard finalized regulations to implement changes to domestic credentialing requirements and to implement amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW Convention), as well as the Seafarer’s Training, Certification and Watchkeeping Code (STCW Code). The changes in the rule incorporated the 2010 amendments to the STCW Convention that came into force on January 1, 2012. In addition, the rule makes other changes not required by the STCW Convention or Code, but necessary to reorganize, clarify, and update these regulations.

The STCW Convention is not self-implementing; therefore, the United States, as a signatory, must initiate regulatory changes to ensure compliance with its treaty obligations through full implementation of the amendments to the STCW Convention and STCW Code. This final rule ensures that U.S. mariner credentialing requirements are consistent with international standards, and enables U.S. mariners to compete in the global workforce. Additionally, the rule strengthens U.S. authority to enforce the STCW Convention and STCW Code against foreign flag vessels in U.S. waters.

Over 90 percent of ships visiting U.S. waters are foreign-flag carrying multinational crews, and are subject to STCW. Additionally, approximately 1044 U.S. documented commercial vessels operate on ocean or near coastal voyages and are subject to the provisions of STCW. Implementation and enforcement of the STCW requirements promote shipboard practices that reduce the risk of human errors that could potentially lead to an accident in US waters.

**Dry Cargo Residue Discharges in the Great Lakes (Final Rule; January 31, 2014).** The Coast Guard also finalized its 2008 interim rule on this topic. The final rule regulates the operation of U.S. and foreign vessels carrying bulk dry cargo such as limestone, iron ore, and coal on the U.S. waters of the Great Lakes, and the operation of U.S. bulk dry cargo vessels anywhere on the Great Lakes. Specifically, the Coast Guard added new requirements for the discharge of bulk dry cargo residue (DCR) on the U.S. waters of the Great Lakes. The rule allows non-hazardous and non-toxic discharges of bulk DCR in limited areas of the Great Lakes. However, vessel owners and operators will need to minimize DCR discharges using methods that they must document in DCR management plans.

A “Laker” vessel loading or unloading bulk dry cargo often accumulates DCR residue on its deck and in cargo tunnels. If this residue is not controlled, it can adversely affect crew safety and vessel stability. In the Coast Guard and Maritime Transportation Act of 2004 (Pub. L. 108–293), Congress mandated that the Coast Guard find an appropriate balance between commercial and environmental concerns. The resulting rulemaking required the
Coast Guard to conduct state-of-the-art scientific research into the environmental impacts of DCR discharges. It also demanded creative solutions to thorny problems like defining an acceptable volume of discharge and building a dynamic regulatory tool that requires carriers to keep pace with the future evolution of DCR-control technology and best practices. The final rule promotes the Coast Guard’s maritime safety and stewardship missions.

**Legislation**

The Office of the Judge Advocate General oversees the development of the Coast Guard’s annual legislative agenda and the Coast Guard’s views on pending legislation. The attorneys assigned to the Judge Advocate General’s legislative staff, working closely with Coast Guard directorates, are responsible for the development, review, and clearance of the Coast Guard’s annual legislative agenda and the development and clearance of Coast Guard views on pending legislation. Additionally, these attorneys support the efforts of the Coast Guard’s Office of Congressional Affairs to secure congressional consideration of that agenda.

The Coast Guard’s legislative agenda for the Second Session of the 113th Congress includes the “Sportfishing and Recreational Boating Safety Act of 2013,” an inter-agency legislative proposal to modernize the administration of the Sport Fish Restoration and Boating Trust Fund, and the “Coast Guard Authorization Act for Fiscal Year 2016,” the Service’s compilation of legislative proposals to enhance Coast Guard authorities. The latter includes the “Protection and Fair Treatment of Seafarers” proposal, which would establish a means by which the Coast Guard could provide support to abandoned mariners and recover the costs of such support from vessel owners/operators found guilty of abandonment, and several other legislative proposals to augment the Coast Guard’s response authorities.

**Member Advocacy and Legal Assistance**

The Judge Advocate General is responsible for providing various legal services directly to Coast Guard members and 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. The Office of Legal and Defense Services was reorganized into the Office of Member Advocacy and Legal Assistance this past year. The new office oversees two separate and independent divisions. The first division is responsible for overseeing legal defense services and the second division will manage the Coast Guard's Special Victims' Counsel (OSVC) program as well as provide counsel to members being evaluated by the Physical Disability Evaluation System.

**Legal Assistance.** In the past year, fourteen civilian and active duty legal assistance attorneys provided counsel to over 6700 clients, helping them with estate planning,
family law, consumer law and myriad other issues. These attorneys routinely travelled to various bases to improve client access to services. Our offices also maintained a vibrant Volunteer Income Tax Assistance (VITA) program. Employing attorney and non-attorney personnel, volunteers filed over 2,000 federal and state returns at fourteen different sites, resulting in substantial tax preparation savings to Coast Guard personnel, retirees, and dependents. Legal assistance attorneys held their bi-annual conference in April to discuss current trends and issues in the practice. Speakers included a retired Ohio Supreme Court Justice and a retired Marine general, as well as numerous civilian subject matter experts. Providing assistance to Special Victims’ Counsel was a strong point of emphasis. In addition, many speakers gave guidance on tapping into alternative resources to assist our clients and leverage our current training.

The summer 2014 ABA Legal Assistance for the Military Practitioner committee meeting will be hosted at Coast Guard Headquarters.

Physical Disability Evaluation System (PDES). Judge Advocates in the Office of Member Advocacy and Legal Assistance represented 339 new members going through the PDES process in 2013. This number excludes the cases that were held over from the previous year. Unlike DoD members, Coast Guard members may 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 administrative boards and appeals. Approximately 98 percent of all members elected counsel, a continued high percentage. In the past year, the Office of Member Advocacy and Legal Assistance has sought to develop and clarify the interplay and overlap between the duties of the newly established Special Victims Counsel, and the PDES program. The Office also actively collaborates with other disabled veteran organizations including DoD and the Department of Veterans Affairs, and non-governmental organizations; for mutual awareness and training opportunities.

Military Justice and Member Representation. The Office of Member Advocacy and Legal Assistance oversees the Navy and Coast Guard Memorandum of Understanding on Mutual Support in Military Justice Matters. Currently, the Coast Guard has attorneys embedded in all four Navy Defense Service Offices. Through this cross-service agreement, Navy judge advocates provided defense services to nearly 160 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. In the last year, Coast Guard appellate defense counsel represented twenty-seven Coast Guard members before the Coast Guard Court of Criminal Appeals and the Court of Appeals for the Armed Forces. Notably, a Coast Guard appellate defense attorney was embedded within Navy-Marine Corps Appellate Review Activity at the Washington Navy Yard to promote teamwork and joint training between the services. The Coast Guard saw an increase in the number of sexual assault-related cases as well as
an increase in the number of fully contested courts-martial. The cooperation with the Navy Marine-Corps appellate defense division greatly assisted the Coast Guard in meeting increased client demand while continuing to provide high quality representation.

Office of Special Victim Counsel. The Coast Guard established the Office of Special Victims’ Counsel (OSVC) in July 2013 to provide support to victims of sexual assault. In December of that same year, Congress passed the National Defense Authorization Act of FY 2014, including the largest reform to Uniform Code of Military Justice (UCMJ) in decades. Notably, it extended the federal Crime Victims Rights Act to the UCMJ, revised Articles 32 and 60, and provided for the designation and availability of Special Victims’ Counsel (SVC) for military victims of sex-related offenses. In this emerging practice, judge advocates are designated as attorneys for victim-witnesses and form an attorney-client relationship from the date the assault is reported. SVC provide guidance regarding civil legal matters, collateral misconduct issues, the right to seek defense counsel, victim witness rights, Sexual Assault Response Coordinator and Victim Advocate issues, the military justice process, civil litigation issues, medical and mental health issues, military protective orders, civilian restraining orders, veteran’s benefits, and transitional compensation. SVC also advocate on behalf of a victim to ensure a victim exercises his/her rights in the military justice process at an Article 32 and subsequent court martial. Coast Guard SVC attend specialized victim legal training schools prior to being certified. This training involves issues such as the neurobiology of sexual assault, fundamentals of being a victim's attorney, ethics, trial procedure and appeals, sexual assault prosecutions and the role of the SVC, and court-martial advocacy for special victims' counsel. Several advanced training opportunities such as specialized legal and investigative training and victim advocacy training are also available. This credentialing process ensures that only qualified individuals fulfill the role of SVC. As of July 31, 2014, the SVC have assisted 92 victims.

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.

Legal Service Command

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 – as Staff Judge Advocate – for the Coast Guard’s 180 Mission Support commands and subunits, consisting of approximately 17,000 members. LSC also provides legal assistance services for eligible members and retirees in the Fifth (Mid-Atlantic) and Eleventh (Far West/Southwest) District geographic areas.
LSC is comprised of 93 billeted active duty military members, reservists, civilians and Auxiliarists, organized into four divisions in each office, covering the practice areas listed above.

**Follow-up on Hurricane Sandy.** LSC attorneys are currently assisting clients with contracts for repair and reconstruction of facilities damaged by Hurricane Sandy in October 2012. Many Coast Guard facilities were affected by the storm, primarily in mid-Atlantic and northeastern states. Major projects include rebuilding Stations Manasquan Inlet, Sandy Hook, and Atlantic City, New Jersey; Stations New York and Shinnecock, New York; and waterfront repairs at the Coast Guard Academy and Station New London, Connecticut. Congress provided a supplemental appropriation of approximately $274M in early 2013 to fund these and a number of smaller projects to repair storm damage.

**ABA Outreach.** An LSC attorney currently serves as vice chair for Government Projects in the American Bar Association Section on Energy, Environment and Resources (SEER)’s Committee on Renewable, Alternative, and Distributed Energy Resources (RADER) and as liaison to Government and Private Sector Innovations Committee.

**Public/Private Partnerships.** The LSC also negotiated a Memorandum of Agreement (MOA) with a local law firm for Pro Bono Legal Assistance services to Active Duty Coast Guard members throughout the Hampton Roads metropolitan area in Virginia, and successfully implemented the agreement. The MOA greatly expands existing capability to provide local civilian legal services, to include in-court representation, for a wide variety of legal assistance issues to Coast Guard members at no cost to the member. The law firm (Hunton & Williams) has an office in San Francisco; successful implementation of the MOA could lead to a modification of the MOA to include the LSC Alameda Legal Assistance Office. To date, this partnership has provided legal services in one landlord/tenant, one estate planning and three family law matters.
Building into the Future. Among the new construction projects supported by LSC attorneys is the Coast Guard’s first Off-Cycle Crew Building in Alameda, CA. Built with a design/build contract, the building has been submitted for Leadership in Energy and Environmental Design (LEED) Platinum Certification, which, if awarded, will make this the first Platinum building in the Coast Guard. Its environmental and energy efficiency features include low Volatile Organic Compound (VOC) paint, solar panels, a reflective roof, cupolas to provide natural light, and high-efficiency ventilation and cooling systems. In addition to supporting the construction, we also worked with the local utility to obtain an interconnection agreement and an incentive rebate for the solar panels.

LANTAREA

Headquartered in Portsmouth, Virginia, Commander, Atlantic Area (LANTAREA) is responsible for Coast Guard operations east of the Rocky Mountains to Southwest Asia, including migrant and counter-drug operations in the Caribbean and international partnerships and crisis/contingency/recovery operations around the world. 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 comprehensive 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.

International Engagement. The LANTAREA legal office was heavily involved in the African Maritime Law Enforcement Partnership (AMLEP) 2014 Operation in Ghana 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. In March 2014, a LANTAREA lawyer deployed to Ghana along with other Coast Guard personnel including a law enforcement detachment (LEDET) deployed aboard the USNS SPEARHEAD. The Coast Guard LEDET engaged in joint maritime operations with Ghana’s Navy, Police, and Fisheries Commission in an effort to improve Ghana’s maritime domain awareness and enforcement of Ghana’s fisheries laws. Additionally, LANTAREA legal participated in the Tri-Party Staff Talks with U.S. Fleet Forces Command (USFFC) and the Royal Canadian Navy’s Maritime Forces Atlantic (MARLANT) to discuss mutual defense cooperation issues.

Rules of Engagement Training. LANTAREA attorneys provided critical Rules of Engagement training for Coast Guard personnel deploying to Coast Guard Patrol Forces Southwest Asia (PATFORSWA) and to Maritime Safety and Security Teams (MSST) in support of United Nations Security Resolutions to disrupt piracy in the waters off of Africa. PATFORSWA is the Coast Guard’s largest unit outside of the United States. Established in 2002 to support Operation Iraqi Freedom and consisting of six 110-foot cutters and numerous shore personnel, PATFORSWA forces engage in key maritime security and maritime infrastructure protection missions.
Helicopter Interdiction Tactical Squadron (HITRON)/Airborne Use of Force (AUF). HITRON, located in Jacksonville, Florida, forward-deploys armed helicopters to high threat drug trafficking and high risk security areas. These armed helicopters use appropriate force to stop suspect vessels in order to enforce U.S. laws, as authorized when executing bilateral agreements, as authorized pursuant to Flag or Coastal State authority or while executing a right of visit boarding. LANTAREA legal provided support on a wide array of issues, including military justice, mission support, and AUF training. Additionally, LANTAREA attorneys also worked with HITRON and other LANTAREA staff on Coast Guard AUF policy.

Deployable Specialized Forces (DSF). The LANTAREA legal office supported DSF units on a wide array of legal issues, including military justice, mission support, and training. Units under control of the LANTAREA Commander include the Maritime Security and Response Team; Maritime Safety and Security Teams Boston, New York, Kings Bay, Miami, New Orleans and Galveston; Tactical Law Enforcement Team South and Pacific Tactical Law Enforcement Team; National Strike Force Coordination Center; and Gulf, Atlantic and Pacific Strike Teams along with the newest DSF unit, the Incident Management Assistance Team (IMAT) commissioned in the summer of 2013. The IMAT is a rapidly deployable, scalable resource that addresses capability gaps within an incident management organization wherever required. The IMAT supports the operational commander in complex incident and crisis management for all-hazard, all threat incidents and events.

Cyber Preparedness and Response. LANTAREA legal advised LANTAREA staff on cyber preparedness and response issues as well as the development of LANTAREA cyber policy in conjunction with recent Homeland Security Presidential Directives and recent Coast Guard policy.

Military Justice. LANTAREA attorneys provided comprehensive legal advice to the Area Commander and subordinate field units, deployable specialized forces, and cutter commanding officers as they pursued just resolution of criminal allegations under the Uniform Code of Military Justice.

International Port Security. LANTAREA’s civilian International Port Security attorney has been crafting and coordinating the development of a Model Port Security Compendium (MPSC) for international application. In May 2014, the Maritime Safety Committee of the International Maritime Organization (IMO) accepted the MPSC for further development and renamed it as draft Guidelines for the Development of National Maritime Security Legislation (GDNMSL). Currently, he is working within the MSC to further develop the GDNMSL for eventual formal submission and acceptance by the IMO in the fall of 2014. Also, he has continued to work with the governments of several countries in Asia, Africa, South America and the Caribbean to draft strong port security laws and regulations which bolster the basic requirements of the International Ship and Port Facility Security Code.
Legal Assistance. Leveraging limited in-house resources through a close partnership with the Coast Guard Legal Service Command, LANTAREA legal ensured that clients received comprehensive assistance with a wide variety of legal concerns, including estate planning, landlord-tenant issues, creditor issues, housing matters, and more.

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. The vast region is patrolled by 16 large Coast Guard cutters, including three 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 a supporting 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. In April 2013, the PACAREA Legal Office also took over direct responsibility for the five west coast Maritime Safety and Security Teams and all of the Coast Guard’s Port Security Units nationwide.

Arctic. Issues involving the Arctic remain a primary concern at PACAREA. Increases in vessel traffic, human activity, and national attention continue to generate emerging legal issues. PACAREA lawyers continue to work to ensure environmental compliance of Coast Guard assets and industry ships. Additionally, comprehensive plans have been drafted to respond to emergencies and related public affairs situations and possible interventions. The Arctic is a region of strategic importance for the Coast Guard due to the natural resources, eco-tourism, accompanying increases in vessel transits, and other human activity. We are prepared to address the unique legal challenges and issues that arise as these trends impact maritime safety, security, and stewardship in the Arctic.

Three-Party Talks. The Three Party Staff Talks (TPST) took place February 25-26, 2014, in Victoria, British Columbia. The participants consisted of workgroups including Plans/Ops, C4I, Logistics, and Legal. TSPT legal participants included the Canadian Maritime Forces Pacific (MARPAC), U.S. Coast Guard Pacific Area, and U.S. Navy Third Fleet. A PACAREA judge advocate attended the talks and contributed to this successful event by reviewing and exchanging key information with USN and MARPAC counterparts regarding the Coast Guard’s nation response authorities for disaster relief and national security, its organizational mandates for legal services, the Coast Guard’s obligations concerning counter drug operations, as well as structure and methods for handling good order and discipline and military justice matters. As a result of the legal work during and following the TPST, the parties renewed their commitment to the
Charter signed in 2012, and developed further protocols for cooperation in joint activities and operations.

**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. Throughout the year, PACAREA Legal prosecuted one General Court-Martial, three Special Courts-martial, and five Summary Courts-Martial. In addition, two cases that were preferred to Court-Martial were disposed of with alternate resolutions.

**Sexual Assault Prevention.** Attorneys in the PACAREA legal continued to deliver the lauded Sexual Assault Prevention Workshop (SAP-W) in partnership with Health Services Work Life Command and Coast Guard Investigative Service. This workshop has been provided to nearly all of Pacific Area cutters, staff, and other units in the PACAREA Area of Responsibility. This year, it was delivered to approximately 750 members. This workshop is now being rolled out Coast Guard wide and consists of a collaborative and open discussion about the facts, misconceptions and myths surrounding the topic of sexual assault. In addition, the Pacific Area legal office has developed an innovative new sexual assault case study that is currently in beta testing. The goal of the case study is to provide additional follow-on training and reinforcement to units that have already received the SAP-W.

**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 one 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.

**S/V Callisto.** On Sept. 2, 2013, the crew of the Coast Guard Cutter Dependable interdicted the 49-foot sailing vessel Elegance in international waters about 400 nautical miles east of the United States. The Elegance was flying a Canadian flag, but the vessel’s history indicated that it had been registered in the United States, and Canadian law enforcement authorities could not confirm that it was properly registered as a Canadian vessel. It was determined that the vessel was in fact the Callisto, a sailing vessel whose last port of call was in Venezuela. Working with the Coast Guard’s Office of Maritime and International Law and the Department of State, First District judge advocates
provided real-time advice to the Coast Guard boarding team to facilitate the high seas drug interdiction, coordinate actions with the U.S. Drug Enforcement Agency, Coast Guard Investigative Service, and the U.S. Attorney (Massachusetts), establish jurisdiction over the vessel, and ensure the proper exercise of Coast Guard authorities to search the vessel and its equipment, leading to the seizure of approximately 575 kilograms of cocaine and other evidence leading to federal convictions for the two smugglers.

**CANUSLANY Exercise.** Judge Advocates also deployed in support of the Canadian/United States Joint Response Team (JRT) for the Atlantic Region for the Canada-United States Atlantic (CANUSLANT) full scale exercise (FSE) in June 2013. The exercise was conducted as a response to a hypothetical oil spill threatening the Bay of Fundy, Passamaquoddy Bay and the Canadian and United States coastlines on the border between the Province of New Brunswick and the State of Maine. This exercise incorporated USCG Sector Northern New England’s Preparedness for Response Exercise Program full-scale exercise requirements. A judge advocate was assigned as the legal officer at the Incident Command Post in Calais, Maine, providing direct support to the Federal On-Scene Coordinator, while a second judge advocate was assigned to the Area Command in St. John, New Brunswick, advising on a host of issues including jurisdictional limitations, limited access areas, use of the Oil Spill Liability Trust Fund, and cross-border use of dispersants.

**U.S. Attorney Coordination.** After two successful seasons working with the U.S. Attorney and the Federal District Court for the Eastern District of New York using their Violation Notice Misdemeanor Docket Program, the First Coast Guard District has begun coordination with other U.S. Attorney offices to harness their programs or use special magistrates to further enforcement options for misdemeanor offenses. The use of violation notices provides an alternative to arresting an individual or filing a complaint. The violation notice program provides Coast Guard boarding officers with another tool of enforcement and allows them the opportunity to see immediate and quantifiable results.

**Sexual Assault Prevention and Response.** The First District Legal Office continued their collaborative partnership with the Sexual Assault Response Coordinator and Coast Guard Investigative Services in the delivery of Sexual Assault Prevention Workshops, intended to prevent incidents of sexual assault in the Coast Guard by empowering Coast Guard members with the knowledge, skills, and ability to recognize and respond to potential and actual incidents of sexual violence and remove the opportunity for such incidents to occur. Numerous workshops were held throughout the First District area of responsibility, reaching multiple units and over 800 active duty members.

Three judge advocates have received specialized training at the Army's Special Victims Unit Investigator Course and two judge advocates are trained as Special Victims’ Counsel to serve victims of sexual assault, unwanted sexual contact and attempts of those crimes. The Coast Guard continues to make the eradication of these crimes a top priority for the service and ongoing training efforts have reinforced the themes of increasing third-party bystander intervention to prevent such crimes, and increase reporting they do occur. As those messages resonate through the organization, demonstrating the service’s
strong desire to ensure due process and hold personnel accountable for misconduct, the First District Legal office has recorded a 400 percent increase in reported sexual assault cases.

**Pro-Bono Legal Assistance Coordination.** The First District Legal Office continues to implement its Memorandum of Understanding with the New York, NY office of the international law firm Hunton & Williams, LLP, concerning the provision of pro bono legal assistance services for Coast Guard members. Modeled after a similar, longstanding MOU between the First District and Boston law firm Looney & Grossman, LLP, this agreement helps to provide more robust and specialized legal assistance to Coast Guard members, whose legal needs may otherwise not be covered by services available under traditional military legal assistance programs. The pro bono program with Hunton & Williams has been expanded to include other areas where the Coast Guard and offices of Hunton & Williams overlap, including the regions of Miami, FL, Norfolk, VA, Richmond, VA, and Washington, DC. Further expansion of the program in Houston, TX and Alameda, CA is also being discussed. Over the last year, Hunton & Williams saw approximately 50 clients, saving members thousands of dollars in legal fees and providing successful recoveries in cases involving automobile sales contracts, landlord-tenant law, estate planning, consumer law, and family law. Based on the success of this program, the District continues to seek out new opportunities enter in similar partnerships with other firms to expand services around the region.

**Fifth Coast Guard District**

Established 23 April 2009, the Fifth District office of the Staff Judge Advocate provides legal advice to the Fifth Coast Guard District, headquartered in Portsmouth, Virginia. The Fifth Coast Guard District 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 Chesapeake Bay, the Fifth District has a significant role in every Coast Guard mission area.

**Environmental Crimes.** In the past year, the Fifth District legal office, in cooperation with the Department of Justice continued to aggressively investigate suspected environmental crimes from vessels arriving into U.S. ports. The legal office referred four maritime environmental crimes cases to the Department of Justice for prosecution, including a suspected violation of the newly enacted MARPOL Annex V garbage regulations.
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. Fifth District judge advocates conducted expansive Sexual Assault Prevention and Response training for over 500 service members at various commands throughout the District in an effort to prevent sexual assault and improve a victim’s access to services.

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 3,750 active duty and reserve Coast Guard members and their dependents, and provided direct legal assistance service to more than 50 clients.

Civil Litigation. Fifth District legal office worked closely with the U.S. Attorney’s Office for the Eastern District of North Carolina in prosecuting a case involving false distress calls being made to the Coast Guard. On 8 October 2013, Mr. Homer Blackburn made a mayday call to Coast Guard Sector North Carolina indicating he was on a vessel which was disabled off of Cape Lookout and drifting towards the jetty. He later stated he was sinking near the jetty and was swimming to shore. The Coast Guard utilized several surface assets and air assets to include the Marine Corps rescue helicopter "PEDRO" from Marine Corps Air Station Cherry Point and several H-60’s from Air Station Elizabeth City, NC. The National Park Service and local fire departments also assisted in searching. No persons or debris was ever located and active searching was eventually suspended after costing the taxpayer $288,390.80. Mr. Blackburn pled guilty and is pending sentencing.

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 177 field regulations addressing limited access areas and bridge operations.
The Prevention law staff also worked with the Department of Justice to seek criminal referrals against mariners where a death resulted from parasailing mishaps. One such operator pled guilty in the U.S. Virgin Islands to negligent operations.

Over the course of the reporting period the Seventh District referred two maritime environmental crimes cases to the Department of Justice for prosecution. Both referrals resulted from Coast Guard investigations that uncovered evidence of illegal discharges. Investigation continues on both cases.

**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, response law judge advocates, by providing direct legal guidance on all United States maritime drug law enforcement boardings in the Caribbean, have 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. These efforts were instrumental in managing 58 successful drug interdiction cases, resulting in the seizure of 73,865 pounds of cocaine and 20,563 pounds of marijuana during the reporting period. Additionally, they advised on the interdiction of 212 migrant vessels, carrying 4,459 persons in unsafe, and frequently overloaded, vessels.

Response law judge advocates also participated in three international and interagency conferences in Nicaragua, Florida, and Colombia. These conferences were attended by civilian attorneys, military judge advocates, and judges from countries in Central and South American and the Caribbean region. Broadly, the focus of these conferences was to better coordinate counterdrug operations, which included discussion of national laws and constitutional constraints regarding the transport of illegal drugs throughout the region. During the trip to Nicaragua, a Coast Guard judge advocate was the first U.S. Government official notified of an excessive maritime claim made by Nicaraguan authorities.

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. The Seventh District has judge advocates detailed as full-time Special Assistant U.S. Attorneys (SAUSA) to the U.S. Attorney’s Offices in Miami and San Juan. These SAUSAs’ combined efforts resulted in 69 indictments with 114 defendants during the reporting period; one of which was an indictment for manslaughter and alien smuggling resulting in death for a smuggler who caused the death of four migrants. Additionally, the SAUSA in Puerto Rico made 10 narcotics smuggling indictments with 33 defendants and obtained five convictions in a precedent-setting “non-contraband” case where all narcotics were successfully jettisoned by the smugglers and not recovered by law enforcement assets. The conviction hinged on video, eye witness testimony, and IONSCAN technology.
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 our judge advocates participate in military justice actions, primarily as trial counsel. During the reporting period the Seventh District legal office prosecuted five courts-martial.

Legal Assistance. The legal assistance section has two civilian attorneys (one in Miami, Florida and one in San Juan, Puerto Rico) and one paralegal. During the reporting period the Seventh Coast Guard legal assistance office assisted 1,531 individual clients. The Miami Legal Assistance attorney leverages the use of a memorandum of understanding with national law firm Hunton & Williams to provide pro bono assistance to Coast Guard personnel. Of note is the San Juan, Puerto Rico attorney’s work to obtain an exemption from a Puerto Rican legal requirement of recording both the child’s last name and mother’s maiden name on the birth certificate, thereby giving children a hyphenated last name. This exemption was made applicable to Coast Guard members stationed in Puerto Rico and resolved a highly controversial and sensitive cultural issue for Coast Guard members.

Eighth Coast Guard District

The Eighth Coast Guard District, headquartered in New Orleans, Louisiana covers all or parts 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 Coast Guard 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 40 busiest ports by tonnage. The Eighth Coast Guard District Legal Office provides legal support to approximately 4,045 active duty and reserve members at over 80 operational units.

Environmental Crimes. The Eighth Coast Guard District Legal Office remained at the forefront in the enforcement of environmental laws and regulations by assisting the Department of Justice (DOJ) in prosecution of environmental crimes cases where licensed mariners or facility operators intentionally or negligently discharge oil or other pollutants into U.S. waters. Since 2010, the office has worked closely with DOJ to secure convictions in 28 federal vessel criminal cases, resulting in over $16 million dollars in fines and several years of imprisonment for high ranking foreign vessel crewmembers. Currently, the office is assisting the DOJ and criminal investigators with three pending criminal prosecutions related to enforcement of environmental crimes within the Eighth District Legal area of responsibility.
**Operational Law.** A primary focus for the legal office is the enforcement of federal fishery laws in the Gulf of Mexico particularly the Magnuson-Stevens Fisheries Conservation and Management Act which prohibits foreign fishing vessels from operating in the U.S. Exclusive Economic Zone (EEZ). As an integral part of this effort, the legal office provides real-time legal advice to Coast Guard personnel conducting Operation Sea Serpent, a joint law enforcement operation aimed at stopping Transnational Criminal Organizations from using maritime routes for illicit activity. During this operation, the Coast Guard frequently encounters and apprehends small Mexican fishing vessels called “lanchas” which illegally fish in the U.S. EEZ. To date this fiscal year, the Coast Guard has seized 29 lanchas. The seized vessels collectively poached approximately 24,335 pounds of red snapper and approximately 125 sharks, statistics which represent a significant depletion of the U.S.’s sustainable fishing stocks.

The legal offices also have a close working relationship with various U.S. Attorney offices in its area of responsibility. In addition to supporting the Department of Justice in the prosecution of environmental crime cases as noted above, an Eighth District judge advocate was designated to be a Special Assistant United States Attorney in the Middle District of Louisiana for a case involving false distress calls in violation of U.S. law. Such false distress calls cost the Coast Guard millions of dollars in fuel and maintenance and distract Coast Guard rescue services from legitimate search and rescue cases. The judge advocate presented the case to a federal grand jury resulting in an indictment.

**Military Justice.** The Eighth Coast Guard District Legal Office provides command advice to staff and field units within its area of responsibility on military justice matters ranging from Non-Judicial Punishment to General Courts-Martial. The office’s prosecutions resulted in convictions under the Uniform Code of Military Justice involving a number of offenses including sexual assault, child pornography, sexual harassment, maltreatment of subordinates, and assault and battery.

**Sexual Assault Prevention.** The Eighth Coast Guard District Office partnered with the Eleventh and Thirteenth Coast Guard Districts to develop a Sexual Assault Prevention Workshop to support the Eighth District’s 80 operational field units. This partnership resulted in five judge advocates becoming workshop facilitators, thus creating a sustainable program to enhance sexual assault prevention and awareness in the Eighth District’s area of responsibility. The innovative workshop combines Coast Guard Worklife personnel, Coast Guard Investigative Service (CGIS) agents, and Coast Guard judge advocates to facilitate discussion at Coast Guard field units to enhance awareness and prevention of sexual assault. Since its inception in December of 2013, 400 Coast Guard members have attended the workshop.
Furthermore, two Eighth District judge advocates volunteered and were assigned as Special Victims Counsels (SVCs). The SVC position was recently established by an act of Congress. SVCs represent victims of sex crimes in the military through the court-martial process.

**Prevention Law.** The Eighth Coast Guard District legal office provides guidance to Coast Guard field units that interpret and implement maritime safety and security measures designed to ensure safe navigation and environmental compliance in the waters of the United States and alongside waterfront facilities.

A particular highlight was the legal office’s support of the Eighth District’s formal investigation into the March 22, 2014 collision between the Motor Vessels *Summer Wind* and *Miss Susan* in the Houston-Galveston ship channel. This collision resulted in what the media called the “Texas ‘Y’ Spill” involving 168,000 gallons of oil. The legal office provided counsel to the Coast Guard’s lead investigating officer keeping the formal hearing on track and managing the interests of the Coast Guard, the National Transportation Safety Board, and the civilian parties in interests. The legal office also supported the formal hearing with its organic court-reporting abilities.

**Administrative Law.** The Eighth Coast Guard District Legal Office is heavily involved in the promulgation of field regulations establishing limited access areas to protect both the public and sensitive infrastructure. Since the Coast Guard’s last report to the ABA, attorneys in the office drafted and reviewed over 195 rules creating a variety of waterway restrictions. A notable example was the timely implementation of safety zones in the Houston-Galveston ship channel to facilitate safe navigation immediately following the March 22, 2014 collision between the Motor Vessels *Summer Wind* and *Miss Susan*.

A significant milestone for waterways regulations in the Eighth District occurred in April 2014 with the publication of a final rulemaking for a Regulated Navigation Area (RNA) supporting the Inner Harbor Navigation Canal (IHNC) Protection System along the Mississippi River in New Orleans. The IHNC Protection System aims to protect New Orleans against the effects of storm surge from a “100-year” storm such as the 2005 Hurricane Katrina which collapsed a 4,000 foot section of the IHNC. The office’s involvement with the RNA dates back to 2010 when the Coast Guard developed an interim RNA for the IHNC Protection System. During the preceding four years, Coast Guard attorneys worked with federal and state partners as well as members of the public
to determine the needs of the storm protection system as it related to safe navigation. The publication of the final rule is a true example of successful teamwork among federal and state agencies, industry, and other waterway users resulting in well-rounded and effective regulation providing for safety measures during tropical storms and hurricanes.

**Legal Assistance.** The Eighth Coast Guard District Legal Office dedicates one full time civilian attorney, six reserve attorneys, and four attorneys who are members of the Coast Guard Auxiliary to assist Coast Guard members around the Eighth District with various legal matters. These attorneys provided assistance in 979 cases since June 2013. Major areas of assistance include consumer issues; estate planning and will packages; family law issues; landlord/tenant disputes; powers of attorney; military benefits and protections under the Uniformed Services Employees Rights Relief Act and Servicemen’s Civil Relief Act; real estate foreclosure and short sale; and notarial actions. Additionally, through the Volunteer Income Tax Assistance program, legal assistance attorneys assisted service members and their dependents with their Federal and State income taxes. They advised 59 Coast Guard members and their dependents saving them approximately $31,272 in fees they would have paid to commercial preparers and resulting in $86,310 in Federal refunds and $36,657 in State refunds.

**Ninth Coast Guard District**

The Ninth District oversees Coast Guard operations throughout the Great Lakes and along 1,500 miles of international border from Massena, New York, to Lake of the Woods, Minnesota. The Ninth District legal office is located in Cleveland, Ohio and provides support to the District Commander and his senior staff, four Sectors, two Air Stations, four Marine Safety Units, ten Cutters, and forty-seven Small Boat Stations. The office consists of the Staff Judge Advocate and a Deputy, with support from two additional judge advocates, one civilian legal assistance attorney, and two legal technicians. The office provides legal support and services to approximately 2,008 active duty, 551 Reserve, 128 civilian, and 3,180 Coast Guard Auxiliary personnel.

**Great Lakes Maritime Strategy.** To best meet the bi-national “saltless, seasonal, sensitive, and shared” challenges of the Great Lakes, with 160 days of icebreaking operations in 2013-14, while averaging the third most search and rescues cases of all Coast Guard Districts from 2005-13, Ninth District attorneys continue to play a pivotal role in the refinement and advancement of the Great Lakes Maritime Strategy (GLMS). The GLMS’s six strategic objectives are: Mission, People, Canada, Force Allocation, Partnerships, and Share Our Story. The GLMS is the cornerstone document shaping the District Commander’s vision and the Ninth District’s operations. The GLMS is shared with numerous Department of Homeland Security (DHS) partners, including the DHS Secretary, members of Congress, governors, and other state leaders, as well as stakeholders and companies in the Great Lakes region.
Shiprider. For nearly a decade, the Coast Guard and the Royal Canadian Mounted Police sought and developed an initiative, “Shiprider,” to transform maritime law enforcement operations on the shared U.S./Canadian maritime border. Shiprider provides the United States and Canada with law enforcement authority to conduct joint vessel patrols to prevent, detect, and investigate criminal activities on shared waterways. The rollout of Shiprider took place along the Detroit River in 2013. In FY 2014, Shiprider in the Ninth District expanded to shared waterways in Lakes Superior, Huron, Erie, and Ontario. Joint platforms have since conducted 48 patrols for a total of 251 underway patrol hours. Ninth District judge advocates continue to shape and develop bi-national standard operating procedures for Shiprider. They met with interagency partners to educate and gain real-time concurrence on Coast Guard decisions involving Shiprider interdictions, and they provided real-time advice to units performing Shiprider missions.

Partnership with the Department of Justice (DOJ). The Ninth District spans the independent jurisdictions of eleven different District Courts and U.S. Attorney Offices. As a result, the office conducts extensive outreach and educational efforts to strengthen its strategic partnership with DOJ. Three of the four judge advocates are designated as Special Assistant U.S. Attorneys (SAUSAs). Those judge advocates hold SAUSA designations in the Northern District of Ohio, the Western District of New York, and the Eastern Districts of Michigan and Wisconsin. Judge advocates assist federal prosecutors with legal research, document drafting, and court appearances for prosecutions of persons indicted for false distress, environmental crimes, fraud, narcotics trafficking, boating under the influence, assault on a federal officer, and manslaughter. In FY 2014, a judge advocate made twenty-eight court appearances on behalf of the United States in Detroit, Toledo, and Cleveland federal courts. Another judge advocate provided critical research and documents to support the Northern District of Illinois’ successful prosecution of a marine company and its owner for Seaman Manslaughter and Clean Water Act violations.

The Ninth District “Federal Ticket Program.” Consistent with the office’s efforts to maintain and always improve its critical partnership with DOJ, the Ninth District legal office expanded the Ninth District’s Federal Ticket Program in FY 2014. The Federal Ticket Program provides boat crews with the authority to compel a defendant’s appearance in federal court for a range of misdemeanor offenses upon issuance of a notice or “ticket.” The program is now active in ten of the eleven District
Courts throughout the Great Lakes. With the exception of a portion of the First District, this program is unique to the Ninth District. In FY 2014, boat crews employed the program in Lakes Erie, Huron, and Michigan to secure forty-three federal convictions. Those convictions, for crimes such as assault of a federal officer, boating under the influence, and grossly negligent vessel operation, yielded sentences of jail, probation, and $44,350.00 in fines. More importantly, the program provided several benefits: (1) empowering boat crews with an additional, real-time law enforcement option to deter and punish criminal activity; (2) honing boat crews’ investigative, evidence-gathering, report-writing, and trial testimony skills; (3) enabling Ninth District judge advocates to engage and interact with DOJ prosecutors on a daily basis; and (4) general deterrence against Great Lakes boaters seeking to engage in similar criminal behavior. As a direct result of its successes, Ninth District judge advocates were requested by field units to provide additional training to certify 450 boarding officers during FY 2014.

Search and Rescue Cases. Ninth District judge advocates aggressively work with the Coast Guard Investigative Service to successfully prosecute and secure convictions for those who make false search and rescue (SAR) calls to the Coast Guard. In FY 2014, a Ninth District judge advocate was designated as a SAUSA to help prosecute and achieve an unprecedented sentence for a college student who made false SAR calls to the Coast Guard. In the matter of *U.S. v. Kumar*, the defendant claimed to have seen a vessel sink in Lake Erie. Because of the defendant’s call, the Coast Guard launched a massive SAR operation that involved U.S. and Canadian Coast Guard vessels and aircraft. In January 2013, the defendant pled guilty to one count of 14 U.S.C. § 88. In August 2013, the defendant was sentenced to three months confinement, supervised probation for three years, 250 hours of community service, restitution payable to the Coast Guard in the amount of $277,257.70, and restitution payable to the Canadian Coast Guard in the amount of $211,750.00. The office is currently supporting DOJ with four other SAR hoax cases. One involves a pretrial diversion agreement that requires $17,805.70 in restitution to the Coast Guard; the other three cases are pending indictment.

Military Justice. Ninth District judge advocates provide command advice to staff and field units on military justice matters ranging from non-judicial punishment to general courts-martial. In FY 2014, the Ninth District saw an increase in convened courts-martial. Ninth District judge advocates served as trial counsel for one General Court-Martial, five Summary Courts-Martial, and two flag-level non-judicial punishment proceedings before the District Commander. In the General Court-Martial, a judge advocate secured the conviction of a cutterman for sexual assault, obstructing justice, false official statements, conspiracy, and tampering. The case was convened by the Ninth District Commander after a local jurisdiction declined prosecution for insufficient evidence. At his sentencing, the cutterman was awarded ten years confinement, a reduction to the lowest enlisted pay grade, total forfeiture of pay and allowances, and a
bad conduct discharge. Additionally, beyond their normal military justice responsibilities, one judge advocate is designated as a Special Victim Counsel, another is designated as a Military Judge, and two served as defense counsel: one traveling to Guam to participate in a Special Court-Martial, the other to Kodiak, Alaska to resolve UCMJ charges at Summary Court-Martial.

**Marine Casualty Investigations.** Ninth District judge advocates provide real-time command advice to staff and field units on marine casualties. In FY 2014, the office provided advice on five significant incidents, two of which involved the National Safety Transportation Board (NTSB). In one casualty, a judge advocate liaised with the Army Corps of Engineers, the NTSB, and DOJ after barges allided and sank (see photo) at the Marseilles Lock & Dam near Chicago, Illinois. Following the casualty, a local community sustained massive flooding. The judge advocate is assisting DOJ with the ensuing litigation, which concerns a marine company and local businesses and homeowners. In another casualty, the office provided real-time advice concerning the collision of a Ninth District cutter and a commercial freighter during icebreaking operations. The office continues to assist the District Commander with a Final Action document that identifies the causes of the collision and makes safety recommendations in order to avoid similar accidents.

**Legal Assistance.** To date in FY 2014, the office opened over 435 legal assistance cases, including the execution of 530 wills, powers of attorney, and notary documents; assisted 38 landlord-tenant clients, 52 family law clients, 26 consumer law clients, 10 real property clients, and 6 tax law clients; and handled 36 cases involving the protection of individual rights such as those under the Servicemembers Civil Relief Act. In addition, legal assistance support was provided in-person to twenty-four subunits throughout the Great Lakes. Beyond his normal duties, the legal assistance attorney continues to serve as an instructor for the Judicial College of the Supreme Court of Ohio, the Army’s Judge Advocate General’s Legal Center and School, and the Navy’s Naval Justice School. The legal assistance attorney was awarded the ABA’s Distinguished Service Award for Legal Assistance to Military Personnel (his second such award), and he was bestowed an Honorary “Chief of the Mess” designation for his outstanding support to uniformed members and their families.

**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.

**Special Victim Counsel Program.** Eleventh District attorneys continued to work on the development of the Special Victims Counsel program through participation in working groups and volunteering as Special Victims Counsel. All major District commands have received updated training on the Special Victims Counsel program.

**Counter Drug Mission.** We continue to pursue the improvement and efficiency of the Coast Guard’s counter-drug mission through prompt legal advice to the field units: boarding, searches, use of force as well as handling of evidence, witnesses and detainees. Attorneys actively participate in international treaty development and implementation by attending the Multi-lateral Counter Drug Summit and reaching out to international partners. The office continues to counsel our units on bilateral agreements, treaties and other relevant law and policy.

**Initiated AIRSTA Operational Roundturn.** D11 Legal conducted joint training with Coast Guard operational experts and CGIS Special Agents that specifically focused on the Coast Guard's Southern California Maritime mission. The training was held at AIRSTA San Francisco and AIRSTA Sacramento with significant participation, focusing on evidence collection and statement writing in support of the case package.

**Updated Intelligence Portion of Operational Roundturn.** In proactive response to inter-agency concerns, Eleventh District attorneys re-educated operators on domestic and international maritime interdiction law and case package preparation, specifically the sensitivity surrounding the distinction between intelligence and information and the consequences for case package preparation.

**Environmental Crimes.** Eleventh District attorneys have proactively pursued training to the Sectors to enhance response in cases involving bypass of oily-water separators. The cases are extremely complex and challenging, and this training has improved their investigation and prosecution, as in the foreign flagged Motor Vessel (M/V) BELLA VIA case. In that case, the defendants agreed to plead guilty and enter a settlement which includes a $1 million fine and $250k payment towards environmental remediation. Additionally, the company has agreed to implement OWS training and a hull fracture inspection and reporting policy. Our legal presence in both the United States Attorney's Office in Los Angeles and in San Diego should greatly improve the pursuit of these cases.
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 office is to handle military justice cases arising at district units. In the past year, the legal office prosecuted two general courts-martial and one special court-martial. The office also provides a high volume advice on other military personnel issues including administrative separation boards, claims and administrative investigations, search authorizations, military protective orders, criminal charges, and Non-Judicial Punishment.

Administrative law is also a significant area of practice. Approximately forty-five (45) rulemaking proposals, rules, and notices for field regulations were reviewed for compliance with the APA and other rulemaking requirements by the attorneys at the Thirteenth District over the last year. The office also reviewed and provided advice on numerous Freedom of Information Act requests. In addition to these routine admin law matters, the Thirteenth District legal office initiated a rulemaking project to revise the Coast Guard’s implementing regulations for Article 139, UCMJ. Further, the Thirteenth District legal office supported a Headquarters rulemaking initiative by hosting a public meeting related to federal preemption analysis.

The Thirteenth District Legal Office also provides operational law advice to its units, ranging in size from remote small boat stations and patrol boats to busy air stations and large sectors. Over the past year, operational law issues varied from search and seizure issues to complex scenarios invoking various Coast Guard legal authorities. Additionally, the Legal Office advised on numerous issues stemming from the District’s extensive maritime border with Canada, including advising on significant environmental response issues and implementing an international ship riding agreement for cross-border enforcement actions. District Thirteen attorneys also advised units regarding the impact of recent Washington state legislation legalizing marijuana on drug enforcement operations.

In addition to their regular duties, attorneys at the Thirteenth District serve as Special Assistant U.S. Attorneys for the Western District of Washington and the District of Oregon. As such, the office is participating in two ongoing prosecutions, including one involving a recently enacted 2012 criminal laser statute.
Fourteenth Coast Guard District

The Fourteenth Coast Guard District is the largest District in terms of geographic size, including 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 four judge advocates, one civilian legal assistance attorney, one paralegal, and one legal yeoman.

Maritime Human Trafficking. Human trafficking is a crime that is difficult to identify, investigate and prosecute. Recent information suggests that human trafficking may be occurring on certain U.S. documented fishing fleets operating within the Area of Responsibility of the Fourteenth Coast Guard District (D14). To complicate matters further, many of the indicators of human trafficking, present on domestic fishing fleets, can potentially be justified as part of a legitimate business model. Typical working conditions on these fishing boats may be substandard or harsh and may include isolation at sea or low levels of crew empowerment. Affirmative laws and restrictions placed on these operations, such as requiring a Master to maintain control of a crewmember’s passport, or disallowing a foreign crewmember to debark the vessel in port, may further obscure a potential crime. Investigating these issues requires a team endeavor.

With this team concept in mind, D14 organized and hosted a joint Maritime Human Trafficking Workshop in Honolulu, Hawaii during 2014. Attendees included representatives from the U.S. Coast Guard, U.S. Department of State, U.S. Department of Labor (Wage and Hour Division), Federal Bureau of Investigation, U.S. Immigration and Customs Enforcement, U.S. Citizen and Immigration Services, U.S. Customs and Border Patrol, U.S. National Oceanic and Atmospheric Administration, U.S. Department of Justice, the local Hawaiian U.S. Attorney's Office, as well as representatives from the Hawaii State Attorney General's office. The workshop focused on general, as well as D14-specific, human trafficking issues, the execution of a coordinated response to human trafficking, and the appropriate steps to launch a criminal investigation.

Additionally, D14 attorneys traveled as part of a Defense Institute of International Legal Studies team to Tarawa, Kiribati to lead a workshop focused on achieving maritime
domain awareness of human trafficking in the Western and Central Pacific through inter-agency cooperation. The emphasis of the workshop was on the enforcement and prosecution of human trafficking. The workshop had 42 participants from Tuvalu, Papua New Guinea, the Solomon Islands, and Kiribati.

**OMSI Deployment.** The Fourteenth District legal office was instrumental in executing a joint Coast Guard and Department of Defense initiative aimed at leveraging Navy vessels to enforce a variety of domestic and international fisheries laws and management provisions throughout the vast Western and Central Pacific Ocean. Referred to as the Oceania Maritime Security Initiative (OMSI), this watershed event represents only the second time that the U.S. Navy has conducted domestic and international fisheries enforcement operations pursuant to its authority under the Magnuson-Stevens Fishery Conservation and Management Act.

**Bilateral Agreement with Federated States of Micronesia.** The Fourteenth District legal office spearheaded efforts to expand U.S. influence in the western and central Pacific Ocean by implementing and executing Pacific Bilateral Shiprider Agreements with the Nations with the Fourteenth District Area of Responsibility. In 2014, a bilateral shiprider agreement was signed between the United States and the Federated States of Micronesia. This shiprider agreement promotes the rule of law and helps to protect fish stocks in areas of the world's oceans that have historically lacked enforcement capacity and capability. The bilateral shiprider agreement does this by authorizing the use of Third Party vessels for boarding operations during Oceania Maritime Security Initiative (OMSI) patrols. The shiprider program has been hailed by Australia and New Zealand as a successful program for engaging and stabilizing the region.

**Environmental Issues.** In September 2013, over 1,400 tons of molasses were spilled into Honolulu Harbor, killing virtually all of the underwater marine wildlife within the harbor. Fourteenth District Attorneys advised the Federal On Scene Commander (FOSC), during all stages of the response, for this unusual type of discharge in the coastal zone. D14 Attorneys researched and provided counsel on applicable authorities related to response, clean up, access to the CERCLA Superfund, and possible penalty issuance. D14 Attorneys have continued to coordinate with Region 9 EPA counsel to ensure proper federal alignment in the event there are any subsequent criminal or administrative proceedings.

**Military Justice.** Over the past year, Fourteenth District judge advocates have participated in a variety of military justice activities including General, Special and Summary Courts-Martials, Article 32 investigations, and advice and counsel to field commanders regarding the Article 15 process.
Legal Assistance Program. The Fourteenth District Legal Assistance Office provided client services to over 600 personnel over the past year. In addition to Coast Guard personnel, the D14 Legal Assistance team aided many members from the large O’ahu based active duty military community including Army, Navy, Air Force, and Marine Corps, as well as their respective dependents and retirees. Among the noteworthy accomplishments of the past year, the Fourteenth District’s Volunteer Income Tax Assistance program provided assistance to 90 taxpayers and saved military tax clients an estimated $11K in preparation fees while processing approximately $354,000 in state and federal tax refunds. As a result of superlative client services, the Fourteenth Coast Guard District Legal Assistance Office was named winner of the 2013 ABA Legal Assistance to Military Personnel Distinguished Service Award.

Seventeenth Coast Guard District

The Seventeenth Coast Guard District Legal Office, headquartered in Juneau, Alaska, provides legal advice to the District Commander and all subordinate operational and support units located throughout the state of Alaska and its 3,853,500 square miles of water; an area larger than the entire continental United States. The legal staff consisting of four judge advocates, one civilian attorney, two legal technicians, and one paralegal, provides legal support on all aspects of operational law, military justice, administrative law, environmental law, ethics, standards of conduct, and legal assistance. The District Legal Office divides attorneys’ duties by geographical area rather than by subject matter to better serve the legal needs of the 2500 active duty, reserve, auxiliarist, and civilians engaged in caring out the Coast Guard’s mission throughout Alaska.

The judge advocates that practice in the Seventeenth District Legal Office are first and foremost experts in operational law, and are available 24/7 to the operational commanders. Recently, the duty attorneys provided critical legal advice in support of the United States Coast Guard Cutter MORGENTHAU’s interdiction of a commercial fishing vessel, a vessel initially presenting conflicting indicia of nationality and suspected of engaging in illegal, unreported, and unregulated (IUU) fishing activity on the high seas of the North Pacific Ocean in violation of international conventions. Duty judge advocates provided real-time legal guidance regarding the Coast Guard’s authority to stop and board the vessel in accordance with domestic and customary international law. During the multi-day pursuit, the duty attorneys remained engaged with the operational commanders, and provided actionable legal advice after Cutter MORGENTHAU interception of the vessel and the vessel master claimed that the
vessel’s flag state as China. Judge advocates further advised the District’s operational commanders in determining potential courses of action consistent with international law, U.S. laws, and Coast Guard policies regarding disposition of the case. The boarding resulted in the disruption of illegal fishing activities in contravention of the United Nations Moratorium on High Seas Drift Net Fishing.

This past year has seen the legal staff work closely with the United States Attorney’s Office for the District of Alaska (USAO) in support of criminal prosecution of individuals who commit acts of violence against Coast Guard members while in the performance of their duties, as well as the prosecution of violators of laws that the Coast Guard regularly enforces. For example, in the case of *U.S. v. James Wells*, members of the legal staff provided significant assistance to the prosecution team throughout the criminal justice process. Mr. Wells was found guilty of the murders of two of his Coast Guard co-workers, an active duty member and a civilian employee of the Coast Guard. Two judge advocates attended the trial in support of the prosecution and were responsible for coordinating the appearance of more than 50 Coast Guard members located throughout the United States, who were called to testify at the trial.

Another example of the legal office close collaboration with the USAO was the case of *U.S. v. Jon William Munhoven* in which a judge advocate was designated as a Special Assistant United States Attorney (SAUSA), and successfully prosecuted Mr. Munhoven for assault on a federal officer with a deadly or dangerous weapon, and causing bodily injury while the federal officer was executing official duties. These successful prosecutions had an immediate and positive impact throughout the Coast Guard law enforcement community, reaffirming support for those conducting Coast Guard missions, while holding those who endanger Coast Guard lives accountable.

Continuing to work closely with the USAO, the Seventeenth District referred three complex environmental crimes cases for prosecution, in which a judge advocate was designated as a SAUSA. The USAO continues to leverage the expertise of the judge advocate, which is integral and instrumental in the investigation and prosecution of these cases. The judge advocate’s expertise and familiarity with vessel operations and environmental statutes was critical to the investigations which uncovered violations of the Act to Prevent Pollution from Ships, Ports and Waterways Safety Act, Non-indigenous Aquatic Nuisance Prevention and Control Act Violations, and information to support Clean Water Act and Obstruction of Justice charges. The close cooperation and engagement on key decisions relevant to these cases greatly strengthened the working relationship between the staff of the USAO and the Seventeenth District Legal Office. Pursuing these cases may well alleviate the potential environmental damage to the pristine waters and the 33,000+ miles of Alaskan shoreline.

The legal staff continues to support the goal of eliminating the incidence of sexual assault. All four judge advocates are qualified to participate as attorney facilitators in support of the Sexual Assault Prevention and Response (SAPR) Program, and have participated in numerous workshops throughout the Seventeenth District. At these SAPR workshops, the attorney facilitator helped increase awareness among District Seventeen
personnel of the issues, policies, and procedures associated with sexual assault. Coast Guard members were able to engage the judge advocates in an open dialogue about the military justice consequences, perceived problems, misperceptions, and solutions to sexual assaults in the Coast Guard. Furthermore, two judge advocates were designated as Special Victims’ Counsels, and have provided confidential legal advice to their clients, the victims of sexual assaults.

In addition, the four judge advocates, the civilian legal assistance attorney, and legal support staff continue to provide valuable legal services in connection with members’ personal civil legal affairs, in areas such as Landlord-Tenant, Consumer Law, Servicemembers Civil Relief Act, Wills and Estate Planning, Taxes, Powers of Attorney and Notarial Services.

Throughout the past year, the District Fourteen Legal Office continued to provide legal oversight and advice regarding Coast Guard operations in the Arctic. The Legal Office continues to support and ensure that the Seventeenth District meets its obligations in accordance with the National Environmental Policy Act (NEPA), and was extensively involved in evaluating and reviewing the draft programmatic Environmental Assessment to determine whether increased Coast Guard presence in the Bering, Chukchi, and Beaufort Seas would result in a significant impact on the environment. Most recently, a judge advocate has participated in public open-house meetings in remotely located Alaskan towns and cities, to provide information and discuss the draft environmental assessment with the residence of these communities.

The Seventeenth District Legal Office continues to be an integral part of the Seventeenth District staff and remains engaged in providing real-time legal support in both operation and administrative matters to ensure that Coast Guard District Seventeen personnel are always ready to conduct Coast Guard missions within the state of Alaska in accordance with U.S. laws and Coast Guard policies.

Coast Guard Academy New London, Connecticut

Coast Guard attorneys are assigned to the Academy in two capacities. First, three judge advocates are assigned to the Academy Staff Judge Advocate’s (SJA) office which provides a range of legal services and advice to nearly all Academy elements. Second, four judge advocates and one civilian law lecturer serve on the Academy faculty where they teach a number of undergraduate law courses as part of the cadet curriculum. Additional information about legal education at the Coast Guard Academy is contained in the “Legal Education and Training” section at the end of this report. A third group of attorneys serve outside of the legal program in Command staff positions at the Academy. At present, one captain serves as the Commanding Officer of Military Personnel, and another attorney serves as
an instructor at the Officer Candidate School, a subunit of the Leadership Development Center (LDC).

Beyond academic endeavors of the faculty and the furnishing of legal advice by the Staff Judge Advocate’s office, all judge advocates periodically volunteer for duties away from the Academy, such as being detailed to serve as Summary Courts-Martial Officers, Article 32 Investigating Officers, Respondent Counsel at Administrative Separation Boards and defense counsel for General or Special Courts-Martial.

The SJA and staff furnish all the legal advice to the Superintendent, Assistant Superintendent, and all other Academy divisions. They provide legal advice on a diverse range of issues, including issues unique to the Academy, involving NCAA athletics compliance, use of non-appropriated funds, and the cadet disciplinary system. The office manages all military justice cases at the Academy and advises on federal ethics, fiscal & contract law, environmental law, real property, claims, administrative law, and employment law. The Deputy and Assistant SJA serve as Special Assistant United States Attorneys (SAUSA) for the U.S. Attorney for the District of Connecticut for criminal cases arising on Academy grounds, and administer the Federal Magistrate Program at the Coast Guard Academy. Under the Magistrate Program, the SAUSA may prosecute civilians who commit offenses on Academy grounds (e.g. larceny, drug possession, and driving while intoxicated).

Additionally, the SJA staff provides legal assistance to eligible beneficiaries, client support to staff elements, and in partnership with the IRS, supervises the Volunteer Income Tax Assistance Program (VITA). This year the Academy’s VITA program trained a team of cadet volunteers seeking Management degrees to prepare income tax returns for the Corps of Cadets. In 2014, the Coast Guard Academy’s VITA program provided state and federal tax services for over 100 civilian and military employees, helping clients recover $200,000.00 in refunds, and saving clients over $30,000 in tax preparation fees.

All three judge advocates of the SJA’s office also serve as law instructors to 14 different courses at both the Academy and the LDC throughout the year. The courses range from military justice and standards of conduct briefings to the Corps of Cadets, to specific legal training for command and professional enhancement courses offered to seasoned service members at the Academy’s LDC. The SJA staff trained nearly 1,000 LDC students and cadets, providing approximately 250 hours of classroom instruction.

Coast Guard Training Center Yorktown, Virginia

Coast Guard Training Center Yorktown is the largest training center in the Coast Guard, with approximately 800 active duty and civilian staff. In an average year, Training Center Yorktown trains over 8,000 active duty Coast Guardsmen in introductory and advanced ratings training. One 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 primary focus of the SJA’s legal practice includes 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 permanent party staff, student population, and local retirees. In the last year, the SJA provided assistance to more than 200 clients. The SJA also supervises the Volunteer Income Tax Assistance (VITA) program. In 2014, the Yorktown VITA program submitted close to 200 returns for eligible members, securing over $200,000 in tax returns and saving Coast Guard families over $17,000 in tax filing fees.

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 criminal procedure, intelligence law, and tort law. The Training Center SJA also provides instruction on Coast Guard legal authorities to prospective commanding officers during the Coast Guard’s Sector Commander Course and Sector Department Head courses.

Coast Guard Training Center Cape May, New Jersey

One Coast Guard attorney is assigned as the Staff Judge Advocate 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 its gates each year. At Training Center Cape May, we instill, in all our people, the Coast Guard’s Core Values of Honor, Respect and Devotion to Duty.

The SJA is the legal advisor to the Training Center's staff. Major areas requiring advice include community relations, real property management, recruit separations, government contracts, environmental matters, claims and litigation, ethics regulations, fiscal law, personnel law, 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. The SJA also provides introductory military justice instruction to over 1,000 new recruits annually, in compliance with Article 137 of the UCMJ. In addition, the SJA assists the Training Center’s 12 tenant commands when needed. As the sole military legal assistance attorney in southeastern New Jersey, the SJA also provides counsel concerning personal civil affairs to recruits, active duty personnel, dependents,
local retirees, and various local commands throughout the region. In 2014, the Training Center legal office completed its second season as a tax center under the Internal Revenue Service’s Volunteer Income Tax Assistance program. These efforts resulted in federal and state tax refunds in excess of $200,000 for personnel eligible for military legal assistance, as well as Coast Guard civilian employees.

Coast Guard Training Center Petaluma, California

Training Center (TRACEN) Petaluma’s legal office is staffed by a single independent duty attorney who acts as the center’s Staff Judge Advocate (SJA). The base has 33 schools for introductory and advanced specialty ratings with approximately 3,000 students each year, 500 staff, plus more than 500 residents in family housing. The SJA advises the commanding officer and staff regarding military and criminal justice, administrative law, real property/installation law, ethics, claims, environmental law, procurement/fiscal and contract law, and protects the U.S. government from liability in all legal practice areas. In addition, the SJA serves as a legal assistance attorney handling scores of cases for the students, permanent party, tenant commands, surrounding operational units, dependents and retirees.

This year saw a significant expansion in legal assistance services, to include increased estate planning services, off-site legal assistance clinics and the implementation of a Preventive Law Center to more rapidly assist members with solutions to common legal assistance issues. Of note, the Staff Judge Advocate responded to emergency requests throughout the year for wills and powers of attorney for members of the Pacific Area Strike Team pending operational deployments. The Staff Judge Advocate also guided and advised the command on all military justice issues, to include sexual assault prevention and prosecutions, substance abuse prosecutions, and overseeing TRACEN Petaluma’s implementation of new policy guidance on prohibited relationships between instructors and students. The Staff Judge Advocate also assisted the command resolve numerous civilian personnel misconduct issues, leading to the termination, resignation and reassignment of personnel, as appropriate, and worked closely with the engineering staff on environmental conservation and remediation strategies for facilities projects, ensuring federal and state compliance.
LEGAL EDUCATION AND TRAINING

CGJAG, and the Coast Guard as a whole, are committed to providing both academic education and practical training in legal matters to our service members and partners. Five percent of the military attorneys in CGJAG are billeted in legal instruction posts.

The Coast Guard has posted a Captain, Commander, Lieutenant Commander and Lieutenant to full-time legal instruction duties with the cadets at the Coast Guard Academy. All cadets are required to take at least two semesters of law, focusing on the military justice system, law of the sea, maritime law enforcement and constitutional criminal procedure. Law has always been an important part of the Academy’s curriculum.

In addition to their teaching and research, the Law Faculty advises cadets in several law-centric programs, including the “Cadet Law Society,” “Cadet Mock Trial Team,” and in training cadets for participation in an international competition on the law of armed conflict, held each spring in San Remo, Italy. The Cadet Law Society hosts local lawyers and interested cadets to discuss contemporary legal issues with prominent academics, writers and members of the bar. The Mock Trial Team competes with other colleges throughout the academic year to litigate a complex problem developed annually by the American Mock Trial Association. The team typically travels throughout New England for the competitions. Each October, the Mock Trial Team hosts up to 20 other colleges in the Guardian Mock Trial Competition at the Coast Guard Academy. Coast Guard judge advocates from the D1 Legal Office, the CGA SJA’s office and the CG judge advocates appointed to teaching duties with our DoD partners in Newport, RI, frequently assist with the judging duties. This event also typically draws together members of the Connecticut judiciary, local bar, and academic community to serve as mock trial jurors. Finally, cadets compete in the International Institute of Humanitarian Law’s Competition for Service Academies each spring.

When not working with the cadets, faculty members serve as moderators at legal conferences, contribute as guest speakers on national talk shows, develop legal academic literature, and publish articles in legal journals and the popular press.

A separate group of attorneys provides hundreds of hours of legal training to the Coast Guard’s Officer Candidate School and Leadership & Development Command, collocated with the Coast Guard Academy.

Four seasoned Coast Guard judge advocates are appointed to teaching duties with our Department of Defense partners in Newport, RI. One attorney serves as an assistant professor of international law at the Naval War College. Two serve on the staff of the Defense Institute for International Legal Studies, travelling the globe to provide legal training to foreign government and military officials. The third Coast Guard judge advocate is assigned to Naval Justice School to teach basic and advanced courses to lawyers from all of the sea services.
Coast Guard attorneys who attend the Army’s LLM program at The Judge Advocate General Legal Center and School are frequently assigned to follow-on teaching duties at the Army’s Center for Law and Military Operations.

At the Coast Guard’s Maritime Law Enforcement Academy in Charleston, South Carolina, one military attorney serves an Executive Officer, while a second teaches boarding officers, boarding team members and other law enforcement personnel the law of search and seizure and interrogations at sea.

In addition to the eleven attorneys assigned principally to legal education and training duties, almost all Coast Guard attorneys routinely provide training to their peers and clients, ensuring “that all Coast Guard programs are executed within the letter and spirit of the law.”
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