

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



PRESENTED TO THE AMERICAN BAR ASSOCIATION

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THE UNITED STATES COAST GUARD



From its beginning, the United States has been a maritime nation, tied to the seas for security, commerce, and resources. To sustain its strength, America must protect its maritime borders, 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 the United States.*

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 at all times one of the armed forces, a law enforcement and regulatory authority, a member of the U.S. Intelligence Community, a first responder to maritime emergencies, and a collaborative 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.



ORGANIZATION

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

Coast Guard legal services are provided by 265 attorneys (163 Judge Advocates in legal specialty billets and 102 civil service attorneys); 87 paralegals, legal technicians, and other support staff; and 48 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. The Coast Guard has approximately 210 Judge Advocates serving on Active Duty in both legal and non-legal assignments. Of the Judge Advocates, 53 are currently performing out-of-specialty tours such as Commanding Officers of Coast Guard Cutters and as Coast Guard Sector Commanders and Captains of the Port. Notably, Captain Jason Hamilton is Commanding Officer of Coast Guard Cutter HEALY, the first United States vessel to reach the North Pole unaccompanied. Currently five Judge Advocates are Flag Officers: the Judge Advocate General; a Rear Admiral who serves as the First District Commander; a Rear Admiral who serves as Director of Exercises and Training at U.S. Cyber Command; a Rear Admiral who serves as Deputy Director of Operations at U. S. Northern Command (NORTHCOM); and, most notably, an Admiral who serves as the Vice Commandant of the Coast Guard and is the first career Judge Advocate to be promoted to the rank of Admiral and receive a fourth star.

CGJAG has three distinct organizational groups:

Judge Advocate General. Offices and special staffs in the office of the Judge Advocate General exercise program oversight over activities within their practice areas. The Coast Guard Hearing Office adjudicates civil penalties for maritime safety and environmental violations. In addition, there are military attorneys assigned to the Department of Homeland Security and other government agencies. These include: Department of Justice, Department of State, and Department of Defense (U.S. Northern Command, U.S. Africa Command, U.S. 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).

Released in April 2015, the Judge Advocate General's Direction complements the Commandant's Direction and Strategic Intent and sets the path to position CGJAG as a mission enabler. The primary focus areas of the Direction are: Sexual Assault, Special

Victims' Counsel, Military Justice Initiatives; Training and Proficiency; CGJAG Recruiting and Diversity; Raising the Visibility of CGJAG, and Organizational Enhancements. The Direction provides a framework to enhance our military justice proficiency and to take a leading role in all of our practice areas to navigate the Coast Guard through the convergence of the Energy Renaissance, Western Hemisphere Strategy, Arctic Strategy, and Cyber Strategy, while continuing to deftly chart the legal course for safety, security, and environmental protection in a rapidly evolving maritime domain.

Office of the Judge Advocate General



Legal Service Command. The Legal Service Command (LSC), with offices in Norfolk, Virginia and Alameda, California, provides field-level legal services for the Coast Guard's Mission Support commands and sub-units, 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), the Research & Development Center, and 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. An additional emphasis is continuing to be placed on reserve legal support during disaster response operations. In order to maximize the return on investment, RJAG leadership is focused on enhancing training for all Reserve Judge Advocates and Support Staff and to prepare for short-notice deployments in response to Contingency Operations worldwide.

As projected in the Judge Advocate General's Direction, the Coast Guard's Reserve Judge Advocate program will reach full operating capability at the end of fiscal year 2016.

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

HOW WE PRACTICE

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.

Courts-Martial (by fiscal year).

	<u>2016*</u>	<u>2015</u>	<u>2014</u>	<u>2013</u>	<u>2012</u>	<u>2011</u>	<u>2010</u>
General Courts-Martial	12	17	23	09	13	06	12
Special Courts-Martial	11	17	33	14	20	25	18
Summary Courts-Martial	13 [†]	24	22	20	21	16	06
Total Courts-Martial	36	58	67	43	54	47	36

*As of 08 June 2016

[†]This only includes cases referred to Summary Courts-Martial after referral 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 08 June 2016, the Coast Guard Court of Criminal Appeals issued 17 opinions for Fiscal Year 2016. The Court is composed of 1 full-time Chief Judge (civilian), and 9 collateral-duty appellate judges. Presently, the collateral duty appellate judiciary consists of 6 active duty Coast Guard judge advocates and 3 civilian attorneys, one from the Office of the General Counsel, Department of Homeland Security, one from the Coast Guard Hearing Office, and one from the Coast Guard Office of Claims and Litigation.

Joint Service Committee on Military Justice. The Coast Guard continues to take an active role in the Joint Service Committee on military justice. One Captain is assigned as voting group member, and one Lieutenant is assigned as working group member. In addition to the ongoing work of modifying the Rules for Court-martial and Military Rules of Evidence in response to changes in the law, as well as working towards completion of a revised Manual for Courts-martial, the JSC is engaged in an extensive project to prepare for the sweeping changes to the military justice system that would occur if the Military Justice Act of 2016 passes. The Coast Guard is actively participating in all of these efforts which represent a vast increase in workload for the JSC.

Military Justice Litigation Proficiency. One of the greatest challenges faced by the Coast Guard in building proficiency in military justice practice through experience. The Coast Guard has taken several important steps to increase court-martial litigation capabilities. First, and most significantly, the Legal Service Command increased its dedicated trial counsel through billet movements within CGJAG and now provides trial counsel support for prosecutions throughout the Mission Support enterprise, for all cases convened by the Area Commanders, and all sexual assault cases in the Coast Guard. Second, the Coast Guard provided additional trial defense counsel billets to the Navy in support of the Memorandum of Understanding by which the Navy provides defense counsel to Coast Guard members. Third, the President’s Budget for Fiscal Year 2017 contains provisions for twelve additional trial counsel, three additional trial defense counsel and an additional appellate defense counsel, as well as two additional full time judges. These positions increase the number of judge advocate billets dedicated to the practice of military justice, which will increase efficiency and proficiency of military justice practice in the Coast Guard and also ensure there are billets at all pay grades for experienced military justice practitioners.

Maritime and International Law

As the nation’s only armed force with domestic law-enforcement authority, the Coast Guard is involved daily in enforcing federal law in the areas of drug interdiction, immigration, marine environmental protection, marine safety, fisheries, maritime security, and general federal laws applicable at sea. The Office of Maritime and International Law at Coast Guard Headquarters plays a prominent role in the development and implementation of Coast Guard policy in these areas, and in providing real-time advice to Coast Guard operational commanders. The Office of Maritime and International Law also leads Coast Guard efforts in the international legal community as a fully participating member of the U.S. delegation to the International Maritime Organization. The Office of Maritime and International Law is divided into three branches: the 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 addresses 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:



International Maritime Organization.

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

IMO Legal Committee. At IMO's Legal Committee, the U.S. delegation achieved key U.S. objectives regarding fair treatment of seafarers, mass migration by sea such as currently experienced in the Mediterranean Sea, and liability and compensation for damage from trans-boundary oil pollution from offshore exploration. The Chief of the Office of Maritime and International Law serves as the Head of the U.S. delegation to the Legal Committee.

International Labour Organization. Coast Guard attorneys serve as advisors or representatives of the United States at meetings of the International Labour Organization (ILO), headquartered in Geneva, Switzerland. Meetings in 2016 addressed implementation, conformance and amendments to the Maritime Labour Convention, 2006 and the Seafarers' Identity Documents Convention of 2003 (No. 185). Although the United States has not ratified these conventions, our attendance at the associated meetings is necessary to ensure U.S.-interests are protected.

DHS Joint Task Forces. The Secretary of the Department of Homeland Security directed the creation of the Southern Border and Approaches Campaign, a unified approach to improve how the Department protects the homeland across our borders. The campaign harnesses and more effectively coordinates the assets and personnel of Customs and Border Protection, Immigrations and Customs Enforcement, Citizenship and Immigration Services, Coast Guard, and other resources of the Department. The intent of this campaign is effective enforcement and interdiction across land, sea, and air; to degrade transnational criminal organizations; and to do these things while still facilitating the flow of lawful trade, travel, and commerce across our borders. As such, the Secretary commissioned three Joint Task Forces. Two of these task forces are geographically based and one is functionally focused. All three Joint Task Forces incorporate elements of the USCG, CBP, ICE, and USCIS. Joint Task Force East is responsible for the Southern maritime border and approaches. Joint Task Force West is responsible for the Southern land border and the West Coast. Joint Task Force Investigations focuses on investigations in support of the geographic Task Forces.

Prevention and Environmental law activities:

Environmental Issues. Coast Guard attorneys continue to 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, including the recent voluntary fuel sampling conducted with the assistance of the EPA in the ports of Baltimore and Los Angeles/Long Beach to obtain information on overall industry compliance with Annex VI. Coast Guard attorneys are heavily involved in the implementation of regulations that govern the management of ballast water discharges into waters of the U.S., and the testing of systems to ascertain whether they meet the requirements for U.S. type approval and installation on U.S. and foreign flag vessels. In addition to advising clients on regulatory interpretation, attorneys provide drafting assistance and legal sufficiency review of policy documents on a myriad of issues intended to help both Coast Guard inspectors and the maritime industry better understand and resolve compliance deadlines, use of alternate management methods, and the interaction between U.S. rules and the IMO approved Ballast Water Management Convention.



Marine Biodiversity. Coast Guard attorneys participated with interagency counterparts to develop the United States' position on biodiversity beyond national jurisdiction (BBNJ). A 2-year United Nations Preparatory Committee tasked with developing elements of a draft text of an international legally-binding instrument on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction (BBNJ) met for the first of four sessions from March 28-April 8. A Coast Guard attorney is participating in the U.S. delegation to the UN BBNJ committee meetings.

Vessel safety. Coast Guard attorneys routinely assist development and implementation of vessel safety standards. Some specific vessel safety issues in 2015 included development of policy related to newly mandated Fishing Vessel Dockside Safety Exams. Historically, the Coast Guard offered voluntary exams to fishing vessels, to ensure said vessel is in compliance with all applicable safety laws and regulations. The 2010 Coast Guard Authorization Act and the Coast Guard and Maritime Transportation Act of 2012 mandate such an exam, at least once every 5 years.

Outer Continental Shelf Issues. Coast Guard attorneys continue to support regulatory initiatives governing activities conducted on the U.S. outer continental shelf. We continue to assist a Coast Guard rulemaking team updating 33 C.F.R. Subchapter N to adapt the regulations to developments and advances in the offshore industry. Coast Guard attorneys have been instrumental in the ongoing review of Deepwater Port license applications to include a project proposal that is designed to be one of the largest offshore natural gas liquefaction and export facilities in the world.

Deepwater Ports. Coast Guard attorneys lead the interagency team of project management specialists, environmental protection specialists, engineers, and legal advisors in the processing of applications to construct and operate deepwater ports: offshore energy terminals used to transport oil or natural gas for import into, or export from, the United States. The Coast Guard coordinates the National Environmental Policy Act review between all Federal and State cooperating agencies to ensure the Final Environmental Impact Statement serves as an umbrella document covering all permitting responsibilities of these agencies (e.g., Clean Air Act and Clean Water Act permits, Endangered Species Act consultation, Coastal Zone Management Act compliance, etc.). The Coast Guard is currently processing the first of its kind deepwater port application proposing to export natural gas from the United States to overseas markets.

Suspension & Revocation (S&R). Coast Guard attorneys represented the agency in all suspension and revocation proceedings against Merchant Mariner's Credentials (MMCs). Coast Guard attorneys assigned to the Suspension & Revocation National Center of Expertise (S&R NCOE), located in Martinsburg, WV, provide primary administrative law hearing guidance and support to all S&R NCOE and field Investigating Officers (IOs). District Legal attorneys, coordinated through the S&R NCOE, also provide hearing guidance and support to assist the S&R NCOE when necessary. Coast Guard attorneys reviewed dozens of complaints each year, ensuring legal sufficiency prior to filing. They also work directly with field IOs to gather additional evidence under IO subpoena authority, and direct the development of litigation strategy. Coast Guard attorneys appeared as agency counsel at all pre-hearing conferences, oral arguments, and administrative law hearings. Coast Guard attorneys also drafted and reviewed all motions and appeals prior to filing. Additionally, Coast Guard attorneys have been instrumental in providing instruction at S&R School, held at Training Center Yorktown. They have taught various subject matters, including courtroom procedures, etiquette and objections, and effective argument.



Cyber Risk in the Maritime Community. Coast Guard attorneys have worked extensively to support the Coast Guard's effort to develop policy, standards, and regulations for appropriately addressing cyber risk in the maritime community. These efforts have included legal support for the U.S.

delegation to the IMO's Facilitation Committee and two attorneys serving on the U.S. delegation to the IMO's Maritime Safety Committee. Both IMO bodies have adopted guidance documents for the maritime community encourage assessment and mitigation of cyber risks. Domestically, Coast Guard attorneys are providing regular guidance to ongoing efforts to develop guidance for the regulated maritime industry on reporting cyber incidents that have a maritime nexus.

Vessel Documentation. When Coast Guard inspectors determined that numerous State registered vessels were commercially operating in the Mediterranean with only a Delaware State number vice the required Certificate of Documentation, Coast Guard attorneys liaised with State officials to correct the problem. Coast Guard attorneys educated the State on Federal vessel documentation laws and assisted in crafting outreach

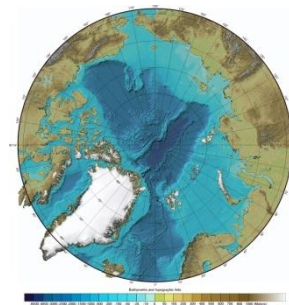
to potential illegal operators. As a result, approximately 80 vessels have had their improperly obtained State registrations revoked.



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 the Arctic Council’s Protection of the Arctic Marine Environment (PAME) Working Group initiatives, including implementation of the Arctic Marine Shipping Assessment and review/advice for the Arctic Ocean Review. Coast Guard attorneys closely worked with State Department counterparts on United States initiatives for the U.S. Chairmanship of the Arctic Council from 2015 to 2017. A Coast Guard attorney participated on the U.S. delegation to the Arctic Council Task Force on Arctic Marine Cooperation. At IMO, Coast Guard attorneys finalized work on the development of a Polar Code, which addresses design, engineering, operational, and environmental standards for ships operating in polar environments. The IMO Polar Code, encompassing the safety-related and environment related requirements, was fully adopted in 2015 and is expected to enter into force on January 1, 2017. The Polar Code will apply to new ships constructed on or after January 1, 2017. Ships constructed before that date will be required to meet the relevant requirements of the Polar Code by the first intermediate or renewal survey, whichever occurs first, after January 1, 2018. Coast Guard attorneys participated on interagency groups, such as the National Ocean Council and the Alaskan Energy Development Working Group, and the Arctic Policy Group. Coast Guard attorneys provided advice and drafting assistance involving papers on Antarctic Treaty System, including CCAMLR initiatives.



Marine Casualties & Investigations.

Coast Guard Attorneys regularly provide continuing legal support for accident investigations including working closely with counterparts at NTSB on a number of casualties and initiatives. One Coast Guard attorney is a permanent legal representative to the Marine Board of Investigation (MBI) for the tragic El Faro casualty. The MBI is the highest level casualty investigation, convened by the Commandant. Other Coast Guard attorneys provide legal advice, preparation, and counsel to all Coast Guard witnesses testifying before the MBI and a Coast Guard attorney serves as the recorder for the MBI.

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 in an attempt to 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 assisting the agency in working with relevant regulatory agencies at the state and Federal level to ensure that such operations are conducted within legal guidelines. That work included support on several oil spill response actions including the Deepwater Horizon and Taylor Energy spills in the Gulf of Mexico.

Response law activities:

Multi-Lateral Maritime Counter-Drug Summits. Members of the Response Law Division (RLD) participated in three multilateral counternarcotics summits and led legal working groups at each of the events. In September 2015 and April 2016, the United States hosted senior officials from Antigua and Barbuda, the Bahamas, Barbados, Dominica, the Dominican Republic, France, Guyana, Haiti, Jamaica, the Netherlands, Spain, St. Kitts and Nevis, St. Lucia, St. Vincent & the Grenadines, Turks and Caicos Islands, Trinidad and Tobago, and the United Kingdom to focus on regional training opportunities, regional challenges and successes, drug trafficking trends, combined counter drug operations, the criminal justice security system, and the U.S. Coast Guard's Model Maritime Service Code. In November 2015 and May 2016, similar summits were held in Miami, Florida, and Alameda, California, with significant participation from several Central and South American countries. These multilateral summits are an invaluable means that allow the United States and our Western Hemisphere partners to continue to work collaboratively and effectively to combat illicit trafficking.

Oceania 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.



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). 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. In February 2016, members of the Response Law Division and DIILS traveled to Togo for a legal assessment to determine the feasibility of future AMLEP operations with Togolese authorities. In addition, Response Law Division attorneys participated and supported multiple maritime security/criminal justice workshops.

Support for Coast Guard Operations. The Response Law Division provides expert, flexible, continuous, and close support to Coast Guard operations. Response Law Division attorneys are also responsible for training and developing CGJAG operational lawyers. As part of this mandate, judge advocates stand an operational law duty watch on a 24/7 basis providing real time advice to operational units during the prosecution of Coast Guard cases including, but not limited to, counter-drug enforcement, alien migration interdictions, and fisheries violations. Response Law Division judge advocates also provide close support to interagency coordination that occurs in accordance with the Maritime Operational Threat Response Plan 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. Since September 2015, the United States Coast Guard brought 176 cases and 409 detainees to the United States for further investigation and potential prosecution under the Maritime Drug Law Enforcement Act (MDLEA) and other criminal statutes. For this same period, the Coast Guard removed 131 metric tons of Cocaine and 33,500 lbs of Marijuana from suspect vessels and interdicted 3,700 migrants at sea, preventing them from illegally entering the United States. In addition, a Response Law Division attorney was detailed to the Department of Justice Narcotics and Dangerous Drugs Section to assist with a MDLEA prosecution.

Mediterranean Migration. In 2015 – 2016, Coast Guard attorneys reviewed and commented on several United Nations Security Council Resolutions dealing maritime aspects of the migration surge occurring in the Mediterranean Sea. Coast Guard attorney participated on a Coast Guard assessment team that visited numerous European commands, including Greece, and Turkey to better understand the issues facing European Union partners in combating human smuggling and stemming the migration surge.

U.S. – China Dialogue. On April 21-22, 2016, the Chinese Ministry of Foreign Affairs hosted the seventh round of the U.S.-China Dialogue on Law of the Sea (LOS) and Polar Issues in Xiamen, Fujian Province, China. RADM Steve Poulin, TJAG, participated on the U.S. delegation. The U.S. and Chinese delegations had productive discussions on a wide array of oceans and law of the sea issues including: the International Seabed Authority, marine biodiversity beyond national jurisdiction, rules of behavior between Coast Guard vessels at sea, Arctic fisheries, work at the Arctic Council, Southern Ocean fisheries including the Ross Sea marine protected area, as well as other Arctic and

Antarctic issues. Particularly noteworthy was an extensive exchange of views on the Philippines v. China arbitration on the South China Sea during a discussion on Annex VII arbitration under the Law of the Sea Convention (LOSC). At the conclusion of the Dialogue, the U.S. delegation invited the Chinese delegation to the U.S. for an eighth round of discussions in 2017.

Intelligence and Information Law

CG-LII delivers 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 organization 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 in the national capital region, in Alameda, California, and in staff offices at the Douglas A. Munro headquarters building. 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. 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, Congress, and other agencies. Proper disclosure involves detailed review and analysis 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 outside entities. Privacy and civil rights issues 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 the analysis of useful mitigation strategies in light of potential and actual breaches whether via unauthorized access or cyber threat. 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. The practice also provides review and analysis of Memoranda of Understanding/Agreement between the Coast Guard and other entities, both public and private, whenever such memoranda, in whole or in part, include direction for SBU information sharing, disclosure, handling and protection whether in bulk as data transfers or under other arrangements.

Our attorneys directly participate in the U.S. Delegation to the International Maritime Safety Organization Advisory Committee meetings, frequently traveling overseas and representing the United States in ongoing negotiations regarding spectrum management and allocation, and the potential addition of approved maritime 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 in principle of intent.

Intelligence Law. 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 Enterprise (CG-2) is divided into two elements. The Law Enforcement Intelligence Element plans, directs, collects, reports, processes, exploits, analyzes, produces, and disseminates information pursuant to Coast Guard law enforcement and authorities enabling mission performance. The National Intelligence Element conducts intelligence activities as an IC member. NIE 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 Coast Guard NIE every two years. Our Judge Advocates provide direct 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 continues to be an active participant in ensuring Coast Guard implementation of Presidential Policy Directive 28 meets the President's goals and is consistent with Intelligence Community practice and standards. 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.

The judge advocate embedded with Coast Guard Counterintelligence Service (CGCIS) provides support to national security investigations and counterintelligence operational planning for all CI agents across the Coast Guard. This support includes advising at both the field and the programmatic level, and includes the review of existing policies and the development of new policies to adjust to evolving mission sets such as cyber CI defense and operations. The judge advocate also advises the Insider Threat Working Group and is a member of the National Insider Threat Task Force legal panel. In March 2016, the Coast Guard was the first federal agency to be recognized by the NITTF for achieving Full Operational Capacity, nine months ahead of the executive deadline. In addition to Intelligence Oversight Official responsibilities, the judge advocate regularly conducts training at the Joint Counterintelligence Training Academy (JCITA) on such topics as counterintelligence legal authorities, national security crimes, and courtroom procedures and testimony.

Cyberspace. The Office of Intelligence and Information Law supports the Coast Guard Cyber Command that was commissioned in July of 2013. CG Cyber Command leads cybersecurity responsibilities and responds to U.S. Cyber Command direction to ensure synchronized actions in cyber space are effective to protect and defend Coast Guard cyberspace activities. The Coast Guard Commandant's Cyber Strategy, issued in June

2015, continues to guide internal organization change that will improve cybersecurity, enable cyberspace operations, and support cybersecurity for maritime critical infrastructure. Our attorneys are engaged with implementing this strategy and directly advising several leadership initiatives driving internal change. These attorneys are also increasing awareness and understanding of cybercrime, insider threats manifested in cyberspace, international legal implications for proposals, domestic law impacts on proposals as well as Congressional reporting and compliance requirements related to cyberspace.

Coast Guard Investigative Service (CGIS). The judge advocate embedded with CGIS has assisted with critical policy development and investigative service initiatives. Of note, the judge advocate has worked closely on the confidential informant program policy development, which was recently approved and distributed to the field agents, and consistent with Attorney General Guidelines. The CGIS judge advocate is responsible for providing field guidance in relation to cases involving Special Victim's Counsel (SVC), drafted procedures on this topic, and coordinated SVC training in conjunction with the SVC Program Manager. The judge advocate also helped to develop seminal procedures encouraging special agent assistance on a broader range of law enforcement issues affecting Coast Guard operations.

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 2015, 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.

BP DEEPWATER HORIZON. A Federal District court approved the consent decree entered into by the United States and the Gulf Coast States and BP to settle their claims arising out of the DEEPWATER HORIZON explosion and oil spill. This settlement is the largest settlement with a single entity in history of federal law enforcement history; it will

help repair the damage done to the Gulf economy, fisheries, wetlands and wildlife; and will bring lasting benefits to the Gulf region for generations to come. The total settlement is worth more than \$20 billion and includes a \$5.5 billion civil penalty and provisions to ensure that the Oil Spill Liability Trust Fund is made whole.

WATERVALE MARINE: The D.C. Circuit found that the Coast Guard may impose certain conditions (nonfinancial in nature) upon the release of ships suspected of violating the Act to Prevent Pollution from Ships. The majority declined to interpret "bond or other surety" in 33 U.S.C. § 1908(e), holding instead that the power to withhold clearance altogether includes the power to impose conditions as a quid pro quo for releasing a ship. Judge Griffith concurred in part and concurred in the result. He would not have relied upon the overall power to deny clearance, but instead would have ruled narrowly on the meaning of "bond or other surety," which in his view clearly permits non-monetary conditions.

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:

C-27 Aircraft Program. The Coast Guard has received 7 of a planned 14 C-27 aircraft deemed excess by the United States Air Force. This transfer continues the recapitalization of the Coast Guard's fleet of medium range surveillance aircraft by supplementing the HC-144 aircraft acquisition. The receipt of the C-27s will result in significant savings (at least \$500M) to the Coast Guard in its recapitalization budget, and once modified to the unique HC-27J configuration will maintain the Coast Guard's ability to perform air surveillance in accomplishing its missions concerning drug interdiction, deterring illegal immigrants, detecting water pollution, and maritime search and rescue.

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. This has been a very successful acquisition program. We currently have NSCs 6-8 under construction. We are at various stages of production for each. In part because of the success of the program, Congress has approved additional appropriations for a ninth NSC. In order to assure a 30 year fatigue life, the USCG recently signed a contract for the Structural Enhancement Drydock Availability (SEDA) for the first two NSCs. The technical changes needed to guarantee this longevity are built into the remaining ships as a result of an engineering change to the specifications. SEDA will prevent pre-mature metal failure due to fatigue or repetitive flexing of the structure from operations at sea.



Fast Response Cutter (FRC). The Coast Guard has taken delivery of eighteen of the Sentinel-class FRC, a 154-foot multi-mission cutter that replaces the aging Island-class 110-foot patrol boat. In May 2016, the Coast Guard awarded a contract for Phase 2 of the FRC procurement to acquire cutters 33-58.

Off Shore Patrol Cutter (OPC). The OPC procurement, at an estimated \$11 Billion, is the largest single class cutter acquisition, in terms of cost, in Coast Guard history. The OPC will provide a critical capability bridge between the NSC, which patrols the open ocean, and the FRC, which serves closer to shore. The OPC will feature state-of-the-market technology and will replace the service's aging 270' and 210' medium endurance cutters, which are technologically, obsolete and expensive to operate and maintain. Twenty-five vessels are planned. The Coast Guard is using a two-phased design-build strategy to acquire the OPC. Source for Phase 1 was completed in February 2014 with the award of three firm fixed price contracts for Preliminary and Contract Design 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 offers were denied in June 2014. 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. The completion of Phase 1 and selection process for the Phase 2 contractor is on-going. The success of this program is critical to the Coast Guard's ability to fulfill its maritime mission in the future.

Financial Management Service Improvement Initiative. The Coast Guard is one of the lead federal agencies in acquiring financial services from a federal shared service provider. This process is consistent with the Office of Management and Budget and the Treasury Department's efforts to ensure that agencies financial systems meet strict federal accounting requirements. The Department of Homeland Security is assisting the Coast Guard and two other component agencies in obtaining financial services from the Department of the Interior, an approved Federal Shared Service Provider. The Coast Guard expects to move to the new system in FY18

Small Unmanned Airborne Systems (SUAS). The Coast Guard plans to use SUAS capabilities to increase its ability to accomplish law enforcement missions on the high seas. The Coast Guard has entered an agreement with the Navy to procure a SUAS for deployment from one of the Coast Guard's National Security Cutters. The Coast Guard's acquisition strategy is to garner experience with the Navy's SUAS contractor in preparing to procure the Coast Guard's own systems in the future.

POLAR ICEBREAKER PROGRAM: The Coast Guard requires a minimum of two new heavy icebreakers to support the country's economic, commercial, maritime and national security needs. The new icebreakers will be national assets that will ensure access to both polar regions and be capable of executing key Coast Guard missions, including defense readiness; marine environmental protection; ports, waterways and coastal security; and search and rescue. The ships will operate worldwide and face the range of extreme environmental conditions found in the polar, tropical and temperate regions. The Coast Guard is in the Analyze/Select phase of acquiring a new polar icebreaker. This phase involves evaluating acquisition approaches and assessing the merits of each approach. The service's polar icebreaker acquisition program completed operational requirements development in January 2016, published the requirements in an industry data package, and in March 2016 held an industry day attended by more than 90 organizations. Future industry engagement, including solicitation of commentary on a draft request for proposal, is planned. The program is under an accelerated schedule to acquire these important assets.

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 attorneys were relied on to craft language for appropriations bills and legislation with a budgetary nexus. The fiscal law practice group provided critical legal support to the Comptroller of the Coast Guard on investigations into proper use of appropriated funds and financial management internal controls policy. Attorneys provided substantive guidance and input to Coast Guard's Budget Program Office, DHS Budget Office and DHS Office of General Counsel on the conversion of current CG appropriations structure to the DHS Consolidated Common Appropriation Structure (CAS), the new appropriations structure

is expected to afford DHS strengthened department-wide rules for and oversight of financial management policies, procedures, internal controls, financial systems, and activities necessary to develop budget requests and prepare for audits. Attorneys also provided guidance regarding CG authority and funding options to bolster minority officer recruitment, resulting in development of a pilot student loan repayment program to recruit minority graduating college seniors and graduate students. Additionally, attorneys provided research and guidance on various reprogramming and cancelled appropriations issues requiring coordination between the CG, DHS OGC and the Office of Management and Budget. Fiscal law attorneys provided critical advice during the potential Department of Homeland Security lapse in appropriations that facilitated the execution of critical Coast Guard missions that protects life and property.

Employment Law. For the period of July 2015 to the present, the Coast Guard employment and labor law attorneys handled over 100 Equal Employment Opportunity Commission (EEOC) and Merit Systems Protection Board (MSPB) cases, and assisted the Department of Justice with 4 cases in federal district and appellate courts. Attorneys provided de novo review of 10 military physical disability evaluation board cases and 4 military administrative separation boards. In addition, Coast Guard employment and labor law attorneys provided command advice to Coast Guard leadership and commands in over 200 matters.

Ethics. For the period of July 2015 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 led the way for DHS components by aggressively pursuing Coast Guard implementation of DHS' supplemental regulations on Outside Activities and Outside employment; drafting a comprehensive policy to ensure the Coast Guard met all of the DHS requirements within a compressed timeline.

Real Property. The real property attorney provides legal advice and services on myriad real property matters. Since July 2015, the real property attorney has assisted clients in closing the acquisition a \$35M aircraft maintenance facility, and is advised on the acquisition of the underlying fee. Moreover, this attorney provided robust advice to the Coast Guard's shore facilities infrastructure program and program (budget) managers on three separate GAO audits of leasing, lighthouse divestiture and data processes, as well as rectification of past improper leasing practices. The real property attorney also advised on various fiscal and real property issues regarding the CG's effort to construct a national 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 2015, this group has provided Coast Guard leadership with guidance on the Omnibus Delegation ensuring preservation of the Commandant's authorities and worked

with the Coast Guard's Human Resource Directorate on changes to the Coast Guard's maternity leave policy, transgender policy, advised on a complex use of force investigation of another agency, and continued to advise on policy and potential change to existing law to help deal with Sexual Assault Prevention and Response. In order to continue improving the safety and streamlining the Coast Guard's investigatory process, they created an Administrative Investigation Review Group to recommend policy and process improvements to make all Administrative investigations more efficient and timely and to effectively track and preserve the final actions stemming from them. 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 potential Department of Homeland Security lapse in appropriations, training, travel, and operations.

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 maintain 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 436 field regulations, 4 Headquarters proposed rules, 1 Headquarters interim rule, 1 Headquarters direct final rule, 9 Headquarters final rules, and 9 Headquarters notices (such as a notice of intent, availability, or withdrawal).

Inspection of Towing Vessels (Final Rule; June 20, 2016). The Coast Guard published a final rule establishing operational and vessel requirements for more than 5,500 towing vessels, and an inspection regime that includes an optional safety management system. We initiated this rulemaking because the Coast Guard and Maritime Transportation Act of 2004 reclassified towing vessels as vessels subject to inspection and authorized the Secretary to establish requirements for a safety management system appropriate for the characteristics, methods of operation, and nature of service of towing vessels. This rule includes provisions covering specific electrical and machinery requirements for new and existing towing vessels, the use and approval of third-party organizations, and procedures for obtaining Certificates of Inspection. The Coast Guard developed this rule after extensive input from the Department of Homeland Security's Towing Safety Advisory Committee starting early in the rulemaking process,

Commercial Fishing Vessels - Implementation of 2010 and 2012 Legislation (Notice of Proposed Rulemaking; June 21, 2016). The Coast Guard published a notice of proposed rulemaking to implement many of the mandates of the Coast Guard Authorization Act of 2010 and the Coast Guard and Maritime Transportation Act of 2012. Some of the Acts' mandates apply only to Aleutian Trade fish tender vessels and Commercial Fishing Vessels (CFVs) that operate more than 3 miles offshore or with more than 16 persons on board. These vessels now must pass Coast Guard safety examinations, are subject to the same requirements whether or not they are vessels of at least 5 net tons, and must meet Coast Guard-approved third party classification society standards if they were built since 2013 and are 50 feet or more in length. Other mandates require all CFVs to meet new recordkeeping requirements, to carry survival craft that can fully protect their occupants from exposure to water, and to meet several miscellaneous equipment requirements. Smaller-CFV construction must meet or exceed Coast Guard standards for recreational vessels. Finally, the Coast Guard now can terminate a CFV's voyage if it is operating under unsafe conditions or lacks required safety documentation.

Removal of Conditions of Entry on Vessels Arriving from the Republic of Cuba (Notice; March 22, 2016). Section 70110 of title 46, United States Code, enacted as part of section 102(a) of the Maritime Transportation Security Act of 2002 (Public Law 107-295, Nov. 25, 2002) authorizes the Secretary of Homeland Security to impose conditions of entry on vessels arriving in the United States from ports that are not maintaining effective anti-terrorism measures. On April 4, 2008 the Coast Guard published a notice in the Federal Register, (73 FR 18546), announcing that it had determined that ports in the Republic of Cuba were not maintaining effective anti-terrorism measures, and imposed conditions of entry. Based on port assessments conducted in February 2016, however, the Coast Guard determined that the Republic of Cuba is now maintaining effective anti-terrorism measures, and removed the conditions of entry announced in 2008. Notwithstanding removal of conditions of entry, the regulations located at 33 C.F.R. Part 107 concerning unauthorized entry into Cuban territorial waters remain in effect.

Legislation

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 legislative counsel assigned to the Judge Advocate General's 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, the legislative counsel supports 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 114th Congress includes 17 separate legislative proposals, the majority of which would improve agency operations.

In 2016, Congress enacted the Coast Guard and Maritime Transportation Act of 2015 (Pub. L. 114-120). The Act includes several priority legislative proposals, including— (1) a proposal to elevate the Vice Commandant to the grade of admiral (sec. 201); (2) a proposal to authorize the President to designate “positions of importance and responsibility” within the Executive Branch to be held by Coast Guard officers serving at the grade of vice admiral (sec. 202); and (3) a two maritime drug law enforcement proposals that go to evidence destruction and bulk cash smuggling (sec. 314).

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 providing: advice and representation to victims of sexual assaults perpetrated by members of the Coast Guard; advice and representation to members facing separation from the Coast Guard due to physical disabilities; advice and representation to members facing punishment under the Uniform Code of Military Justice or adverse administrative proceedings generated by the Coast Guard; and legal assistance to members and eligible dependents relating to personal civil matters. CG-LMA is divided into three distinct entities: the Member Advocacy Division, the Defense Services Division and Legal Assistance.

Member Advocacy. The Member Advocacy Division is responsible for the Special Victims’ Counsel program and provides representation to Coast Guard members facing separation through the Physical Disability Evaluation System.

Special Victims’ Counsel (SVC). Since the 2015 ABA Report, the SVC Program reached Final Operating Capability (FOC) and completed a draft of its governing instruction. In addition to providing input through data and testimony to entities with oversight and influence on the creation of laws relating to the treatment of military sexual assault victims, the Program has helped ensure victims are accorded their full Uniform Code of Military Justice Article 6(b) rights through several USCG flag-level Memorandums that expand the information victims and their counsel receive during criminal investigations and emphasize the need for counsel to communicate directly with commanders and convening authorities.

To date, SVCs have assisted over 175 victims of sexual misconduct in matters ranging from protective orders, maximum weight abeyances, transfers to different work locations as well as representing clients at interviews, filing motions, and appearing on their behalf at courts-martial. Over the course of the year, SVCs attended several military and civilian victims’ rights conferences and trainings to become better versed in advocating on behalf of adults and children, including the Air Force’s Intermediate Sexual Assault Advocacy Course, the End Violence Against Women International conference and the annual National Crimes Against Children conference. Further, the Program organized the first ever USCG SVC conference at HQ to provide training on current criminal justice cases and USCG-specific policies. Finally, pursuant to recent changes in the law, SVCs

increased their scope of responsibilities to include drafting and filing extraordinary writs during the preliminary hearing and trial, representing their clients' interests in various administrative processes including IG and congressional complaints, and advising and representing USCG and DHS civilian employees when victimized by military offenders.

Physical Disability Evaluation System (PDES). Judge Advocates represented 262 Coast Guard members facing separation from service via PDES since the last ABA Report. As a result of their advocacy, PDES attorneys ensured that our most vulnerable shipmates, the seriously ill, injured or wounded, received the appropriate disability benefits required by law. Their efforts resulted in disability benefit increases of over \$40 million during this period. Unlike DoD members, Coast Guard members do not have VA raters integrated into the disability system. Hence, PDES counsel representing individual clients through the process, including formal administrative boards and appeals, provide invaluable legal expertise to non-lawyer run Physical Evaluation Boards (PEBs) evaluating Coast Guardsmen's disability ratings to help ensure that the Coast Guard complies with applicable federal statutes and Veteran Affairs regulations.

This year, the PDES branch of the Office of Member Advocacy and Legal Assistance continued to work toward greater field outreach. By proactively engaging the education of potential clients, medical support staff, and commands, PDES attorneys have worked to build trust between stakeholders and ensure the Coast Guard is able to meet its obligation to maintain a fit and ready workforce while ensuring disabled Coast Guardsmen are taken care of in a fair, respectful and efficient manner. The Office also continued to engage with our DoD and VA counterparts at the programmatic and practitioner level to leverage DoD and VA resources when available and maintain uniformity in disability ratings across the Uniformed Services including sending counsel to Army and Navy Disability Evaluation System (DES) training and VA specific training on how to read and interpret the Veterans Administration Schedule for Rating Disabilities.

Defense Services. The Defense Services Division is responsible for providing defense services across the Coast Guard to members facing courts-martial and other administrative processes. This division oversees the Navy and Coast Guard Memorandum of Understanding on Mutual Support in Military Justice Matters. Currently, the Coast Guard has judge advocates embedded in all Navy Defense Service Offices. Through the cross-service agreement, Navy judge advocates provided defense services to over 120 Coast Guard members before courts-martial and at administrative hearings.

Additionally, the Defense Services Division has embedded one Coast Guard judge advocate to serve as an appellate defense attorney with the Navy-Marine Corps Appellate Review Activity at the Washington Navy Yard to promote teamwork and joint training between the services. In the last year, this Coast Guard appellate defense counsel represented seventeen Coast Guard members before the Coast Guard Court of Criminal Appeals and the Court of Appeals for the Armed Forces. The Coast Guard continued to

see a focus on sexual assault-related offenses cases this year, as well as a higher than normal rate of fully contested courts-martial.

Legal Assistance. In the past year, fourteen civilian and active duty legal assistance attorneys provided counsel to over 6600 clients, helping them with estate planning, family law, consumer law and numerous other issues. These attorneys routinely traveled to various Coast Guard Bases to improve client access to services. In fact, our District 13 legal office recently won the ABA Legal Assistance to Military Personnel Distinguished Service Award largely on the strength of their comprehensive outreach program. The legal assistance program held its biennial meeting in Seattle, WA and was attended by all full-time legal assistance attorneys in the Coast Guard. Particularly noteworthy were presentations from the Department of Justice, including the U.S. Attorney for the Western District of Washington and the Director of the new Servicemembers and Veterans Initiative. We also received training on the use of social media and other technology to connect with clients, deployment to natural disaster zones, efficient processing of deploying clients, addressing claims from for-profit colleges, and unique issues in jurisdictions such as Alaska and Puerto Rico. The meeting proved to be an excellent team-building experience and input from the group will effectively inform policy decisions moving forward.

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 Auxiliaries, organized into four divisions in each office, covering the practice areas listed above.

LSC 2.0: The Coast Guard's Legal Service Command (LSC) made significant progress in completing a significant reorganization intended to improve our ability to best serve our 70 client commands throughout the nation-wide Coast Guard's Deputy Commandant for Mission Support/Headquarters field enterprise, that comprises over 40% of the Coast Guard's active duty work force. This reorganization included shifting to a single division chief organizational construct for the LSC's Military Justice/Command Advice, General Law, Contract/Procurement, and Claims practice areas, to increase effective command and control, synchronize business practices, and standardize operations between the LSC's Norfolk and Alameda offices. LSC's commanding officer also delegated responsibility to serve as Staff Judge Advocate for certain commands to two subordinate officers and carved out a "Command Services Branch" in order to improve work flow, cut down on product review and processing time, and provide professional development opportunities for judge advocates in the command. Finally, as part of this execution of the Judge Advocate General's direction to increase the proficiency of military justice practitioners by shifting primary responsibility for prosecuting military justice cases arising out of both the Atlantic and Pacific Area command structure, from those legal offices to the LSC. This change is in anticipation that LSC will receive additional staffing resources in 2017 to assume responsibility for all military justice prosecutions of serious misconduct, Coast Guard-wide.

Coast Guard Command Cadre Course Sexual Assault Prevention and Response (SAPR) Instruction: Over the last year, the LSC provided legal counsel for the DHS-directed development of sexual assault prevention/response (SAPR) curriculum for 17 Coast Guard command cadre courses. LSC attorneys worked closely with the Coast Guard's Leadership Development Center (LDC) to update course material to reflect service's improved understanding of SAPR dynamics, framed issues to ensure buy in &

implementation consistency across all Coast Guard mission communities, developed five fact based-case scenarios for issue spotting drills, skillfully balanced equities of reported victims and the accused, and provided judge advocate legal instructors for 50+ course convenings. The new course content has been widely praised as "best-ever" by Coast Guard command-cadre students and will greatly increase SAPR and military justice proficiency for hundreds of CG senior leaders and convening authorities per year.

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, deployable specialized forces, and cutters on a wide range of comprehensive legal matters including missions law, 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) 2016 Operation in Cameroon, Senegal, and 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. From January through April 2016, Coast Guard personnel including a law enforcement detachment (LEDET) deployed aboard the USNS SPEARHEAD engaged in joint maritime operations with Cameroon, Senegal, and Ghana's respective law enforcement commissions in an effort to improve each countries maritime domain awareness and enforcement of international treaties and domestic laws. Additionally, LANTAREA legal participated in the Tri-Party Staff Talks in Halifax, Nova Scotia, 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 any 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 legal support on a wide array of legal 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 and the Incident Management Assistance Team.

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 Coast Guard Policy.

Military Justice. Attorneys of the LANTAREA legal office 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 (UCMJ).

International Port Security. LANTAREA's International Port Security (IPS) attorney has been crafting and coordinating the development of a Model Port Security Compendium (MPSC) for international application. The Maritime Safety Committee (MSC) 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). The GDNMSL was formally adopted by the IMO during the last session of the Maritime Safety Committee. Also, the IPS attorney 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.

Missions Law. Attorneys of the LANTAREA legal office stand a rotational duty schedule to provide 24x7 legal advice to our cutters and other operational units throughout the LANTAREA area of responsibility.

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 three permanently assigned Judge Advocates and a supporting Yeoman, augmented by one judge advocate 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.

DOD Engagements. The Rim of the Pacific (RIMPAC) Exercise will take place in the Hawaii OPAREA from 29 June-04 August 2016. Over 27 countries, 53 ships, 200 aircraft, 6 submarines, and 25,000 people are expected to be participating in this year's RIMPAC. The Coast Guard will be participating with a diverse mix of units in this year's RIMPAC. Dive teams, MSST units, and elements of strike teams from across the country are scheduled to participate. Most notably, PACAREA will be sending the CGC STRATTON to lead a multi-national Task Force of 8 other ships participating in RIMPAC (CTF-175). PAC attorneys have been leading the Coast Guard's preparations over the last year in advance of this key exercise.

Counter –Illicit Trafficking. Attorneys for PACAREA legal provided extensive legal counsel to PACAREA's Counter-Illicit Trafficking Work Group. Led by its legal staff, PACAREA identified and leveraged resources to accomplish two vitally important objectives that will enable the Coast Guard to more effectively combat illicit trafficking: (1) Implementation of document and media exploitation (DOMEX) afloat and (2) Work with CG District 11 to provide permanent Special Assistant US Attorney (SAUSA) billets in the Southern District of California and the Middle District of California.

Arctic. Issues involving the Arctic were and remain a primary concern at PACAREA. As Shell moved back into to the Arctic to conduct additional exploratory drilling, PACAREA lawyers were engaged with addressing the anticipated protest activity and balancing safety with First Amendment rights. The strategic importance of this region and the critical need for the Coast Guard's aging icebreaker fleet to be recapitalized continue to present ongoing legal issues. Additionally, PACAREA lawyers continued to support District lawyers with the Coast Guard's regulatory and marine pollution response missions in this AOR.

Military Justice. PACAREA Legal prosecuted three sexual assault General Courts-Martial and four Special Courts-Martial. Attorneys ensured that PACAREA met court-mandated deadlines for processing all cases and successfully completed a contested Special Court Martial.

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 regions, 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 off 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 3,600 active duty, reserve, and civilian member First District workforce.

Civil Penalties under the Maritime Drug Law Enforcement Act (MDLEA). First District Judge Advocates assisted efforts to delegate to the Coast Guard the authority to impose civil penalties on individuals who knowingly or intentionally possess controlled substances on board vessels subject to United States jurisdiction. This multi-year effort culminated in the Secretary of Homeland Security delegating to the Coast Guard the authority to issue civil penalties for simple drug possession cases. Moreover, D1 staff attorneys' efforts led to the establishment of a new Coast Guard policy to implement the delegation. Prior to this delegation of statutory authority, few cases of simple possession were prosecuted at the state or federal level due to low prioritization and lack of assets. This was a pronounced problem in the commercial fishing industry, and the Coast Guard lacked the ability to effectively prosecute crew members (anyone but the captain) who were found with personal use quantities of heroin or similar drugs. This delegation grants the Coast Guard the ability to directly impose civil penalties on mariners who violate the MDLEA, increases deterrence through greater enforcement, enhances the safety of commercial fisheries, and improves efficiency of operations by eliminating the need to await local or state partner assistance where the boarding officer seeks to simply cite the offender.

U.S. Attorney Coordination. After four successful seasons working with the U.S. Attorney and the U. S. District Court for the Eastern District of New York using the U. S. Central Violations Bureau's (CVB) Violation Notice Misdemeanor Docket Program, the First Coast Guard District continues to coordinate with other U. S. Attorney offices to expand enforcement options for criminal offenses that occur on the water. The use of the CVB's violation notices provides an alternative to arresting an individual or filing a complaint. The violation notice program provides Coast Guard boarding officers with another enforcement tool to further deter criminal conduct on the Nation's waters.

Sexual Assault Prevention and Response. The First District Legal Office continued its partnership with Sexual Assault Response Coordinators and the Coast Guard Investigative Service in the delivery of Sexual Assault Prevention Workshops. These workshops are designed to prevent incidents of sexual assault in the Coast Guard by empowering Coast Guard members to recognize and respond to potential and actual incidents of sexual misconduct and remove the opportunity for such incidents to occur. Numerous workshops were held throughout the First District area of responsibility, reaching many Coast Guard units and hundreds of active duty members.

The Coast Guard continues to make prevention of these crimes a top priority, and ongoing training efforts have reinforced the themes of increasing third-party bystander intervention and increase reporting when such crimes do occur. Those messages have resonated through the organization, demonstrating the service's strong desire to ensure due process and hold personnel accountable for misconduct. Continuing the trend from previous years, the First District Legal office recorded an increase in reported sexual assault cases. Generally, this increase is attributed to improved victim confidence in the military justice system's ability to hold offenders accountable, which has increased the likelihood that a victim will come forward to report a sexual assault.

Pro-Bono Legal Assistance Coordination. The First District Legal Office continues to exercise 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. 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. 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. Additionally, 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 regions of Texas, Florida, Virginia, and Washington, DC. Furthermore, the First District Legal Office has effectively leveraged the skills of Coast Guard Auxiliarist attorneys and volunteer attorneys who have helped to provide assistance to Coast Guard men and women throughout the District. Based on the success of these programs, the District continues to seek out new opportunities enter in similar partnerships with other firms to expand services around the region.

Military Justice Administration. The First District Legal Office continues to oversee the military justice system for the 3,400 active and reserve military personnel assigned to the First District. Over the past year, the First District Legal Office has disposed of dozens of criminal matters involving, among other things, rape, assault and battery, child pornography, and larceny. These prosecution efforts are critical to maintaining the good order and discipline that all military branches are built upon, as well as upholding the Coast Guard's core values of honor, respect, and devotion to duty.

Fifth Coast Guard District



Established 23 April 2009, the Fifth District SJA provides in-house 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 the Delaware Bay, 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, Philadelphia, North Carolina, and along Chesapeake Bay, the Fifth District has a significant role in every Coast Guard mission area. The practice of law for the Coast Guard attorneys assigned to the Fifth District legal office is equally diverse, serving the more than 10,295 active duty, reserve, civilian and volunteer Auxiliary members of Team Coast Guard. Despite its small size, the office has a reputation for excellent service to Coast Guard clients, and outstanding teamwork with State and Federal partners throughout the Fifth Coast Guard District.

Environmental Crimes. In the past year, the Fifth District legal office, in cooperation with the Department of Justice (DOJ) continued to aggressively investigate suspected environmental crimes from vessels arriving into U.S. ports. In addition to referring a case to the DOJ for prosecution, the Fifth District legal office has also assisted field units in preparing civil penalty case packages.

Military Justice. Attorneys of the Fifth District legal office provide comprehensive legal advice to the District Commander and subordinate field unit Commanders as they pursue just resolution of criminal allegations under the Uniform Code of Military Justice (UCMJ). Fifth District judge advocates conducted expansive Sexual Assault Prevention and Response (SAPR) 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. Fifth District judge advocates also serve as trial counsel (military prosecutors) in courts-martial. The Fifth District has referred three cases to courts-martial in the reporting period.

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 over 75 clients. Additionally, the Fifth District Legal Office travelled and provided legal assistance to units that are geographically distant from a legal assistance office.

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 DOJ Environmental Crimes Section (DOJ-ECS) in ongoing criminal investigations and maritime environmental crimes prosecutions. In the past year, Prevention law judge advocates processed 165 field regulations and assisted in achieving 100% District participation for e-signature of field regulations enabling much quicker publication in the Federal Register.

The Prevention law staff assisted in the investigation of one environmental crimes case and two Search and Rescue hoax cases, and two death cases. The prevention law staff also worked closely with Coast Guard sectors to seek out and illegal charter fishing vessel operations and unlawful passenger for hire ventures. Additionally, judge advocates advised the District Commander and Captain of the Port on authorities concerning the national media story of the unsafe voyage of a hydro-pod from South Florida to Bermuda.

Further, over the course of the reporting period the Prevention law staff was actively engaged on high visibility projects of state and national significance. The previously reviewed energy projects came to fruition in Jacksonville and the U.S. Virgin Islands with the continued oversight and input from Prevention law staff. The Prevention law staff continued to coordinate with Space-X and the U.S. Air Force to ensure safe launch and recovery of unmanned rockets from the Port Canaveral area.

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 counterdrug 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 vessel 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 40 successful drug interdiction cases, resulting in the seizure of 18,758 kilograms of cocaine and 20,961 pounds of marijuana during the reporting period. Additionally, they advised on the interdiction of 802 migrant vessels, carrying 7,819 persons in unsafe, and frequently

overloaded, vessels. Response law judge advocates have continued to advise during a noted increase of illegal Cuban maritime migration, many of which interdictions are met with threats or actions of violence or self-harm.

Response law judge advocates formed the front line of legal counsel on all matters pertaining to the United States' normalization of relations with Cuba. Throughout the year they facilitated the lawful and peaceful travel of more than 700 recreational vessels to and from the island nation for authorized purposes including humanitarian outreach; this constituted a significant increase in the review of Unauthorized Entry to Cuba permits since the announcement of normalization with Cuba. During the historic first visit of a sitting U.S. President to the island in over 88 years they worked with operational units to prepare and implement a comprehensive response to possible maritime protests or international incidents. Currently, they are actively engaged in pending civil litigation to determine whether 22 migrants who ascended an abandoned lighthouse 6.5 miles offshore are "feet wet" or "feet dry". The outcome of this case may significantly impact Alien Migrant Interdictions and Coast Guard operations in the Florida Straits for years to come.

Response law judge advocates participated in three international and interagency conferences in Florida, California, and Barbados. These conferences were attended by civilian attorneys, military judge advocates, and judges from countries in Central and South America 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.

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 also details judge advocates as full-time Special Assistants to the U. S. Attorney (SAUSAs) to the U.S. Attorney's Offices in Miami and San Juan. These SAUSAs' combined efforts resulted in 177 indictments and informations with 238 defendants during the reporting period. This includes the indictment of a Defendant who attempted to commit "suicide by cop" by engaging in an extended nighttime high speed chase with a Coast Guard small boat while shooting at the Coast Guard boat crew in attempts to trigger return fire. The Defendant was ultimately convicted at trial, and sentenced to 27 months incarceration.

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, but also as Preliminary Hearing Officers under Article 32 of the UCMJ for other District cases. During the reporting period the Seventh District legal office prosecuted seven 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 1099 individual client matters. 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. The San Juan legal assistance attorney has increased his scope of responsibilities to include advising the command on general law matters, such as Freedom of Information Act (FOIA) requests, ethics opinions, and property matters, all under the continued supervision of the Staff Judge Advocate.

Eighth Coast Guard District



Mission Statement: “Upholding the spirit and letter of the law, we provide excellent legal advice and support to the Eighth Coast Guard District across its Coastal, Inland and Offshore operational zones.”

Vision Statement: “We work together, in a respectful environment, to deliver timely, proficient, and pragmatic solutions to those we serve. We enjoy a spirit of collegiality, connectedness, and satisfaction in our work. Forward leaning, we anticipate and address innovative mission requirements in the Coast Guard’s most dynamic area of responsibility.”

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 navigation 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 Office of the Staff Judge Advocate, comprised of seven active duty, two civilian, and six reserve Coast Guard attorneys, provides legal support to approximately 4,045 active duty and reserve members at over 80 operational units.

Response and Operational Law. The Magnuson-Stevens Fishery Conservation and Management Act prohibits unpermitted foreign fishing vessels from operating in the U.S. Exclusive Economic Zone (EEZ). The enforcement of this statute, and other federal fisheries laws, remains a top priority for the Eighth District legal office. The legal office provides advice on domestic and maritime international law during the Coast Guard’s interdiction and



Aerial imagery of Coast Guard Station South Padre Island interdicting a lancha engaged in illegal fishing.

apprehension of small unpermitted Mexican fishing vessels called lanchas. The Coast Guard estimates that lanchas illegally harvest 1.4 million pounds of commercially viable fish in the EEZ each year. In fiscal year 2015, the Coast Guard interdicted and seized thirty-nine of these vessels. So far in fiscal year 2016, there have been thirty-three seizures.

Coast Guard attorneys work closely with the U.S. Attorney's Office in the Southern District of Texas, Brownville Division to combat this threat. Most significantly, the legal office collaborates with U.S. Attorneys when lanchas flee (or "fail to heave to" in maritime parlance) from Coast Guard assets thereby putting both Coast Guard personnel and the public in danger. Since November 2014, six cases have been successfully prosecuted by the U.S. Attorney's Office under 18 U.S.C. § 2237 (Failure to Heave To). Highlighting the danger of this mission, in December 2015, one of these fleeing lanchas made contact with a Coast Guard boat causing significant damage to the Coast Guard boat but fortunately causing only superficial injuries to a Coast Guard crewmember. That case is currently pending sentencing in federal district court.



AUSA Mike Anderson (c) presents a token of appreciation to members of CGIS, Sector Mobile, and the Eighth District legal office following a successful prosecution of a foreign shipping company under the Act to Prevent Pollution from Ships (APPS).

Environmental Enforcement. 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 the prosecution of environmental crimes cases where licensed mariners or facility operators intentionally or negligently discharged oil or other pollutants into U.S. waters. Since 2010, the office has worked closely with DOJ to secure convictions in over 30 federal vessel criminal cases, resulting in over \$20 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 two pending criminal prosecutions related to enforcement of environmental crimes within the Eighth District area of responsibility.

The Eighth District legal office has been instrumental in revitalizing the Coast Guard's use of judicial civil penalties for the enforcement of violations of environmental regulations. In 2015, the office referred three cases to DOJ. The first case settled with the responsible party paying \$615,000 in federal civil penalties for the spills and other Clean Water Act violations. The legal office continues to support a variety of other prevention issues, including providing counsel to the Coast Guard's investigating officers that are engaged in marine casualty investigations and hearings. Additionally, attorneys routinely give advice to the District Commander and the Captains of the Port for waivers and appeals and provide guidance on the application of rules and regulations.

Regulations and Waterways Management. The office has a civilian attorney-advisor who supports the District Commander and subordinate field commanders on a broad array of issues related to regulatory law and waterways management. This attorney leads



Historic flooding plagued the Gulf region in 2015-2016. Here, the Bonnet Carre' spillway diverts high water on the Mississippi River to Lake Ponchatrain near New Orleans, LA. Photo Credit: Hilary Scheinuk, *The Advocate*

the District's rulemaking efforts, ensuring compliance with the requirements of the Administrative Procedure Act. Her efforts produced over 300 field-level regulations supporting a myriad of emergency situations including an historic high-water event, vessel and bridge collisions, and other Coast Guard response operations. Other key initiatives over the last year included creating a regulatory framework to improve dangerous cargo reporting requirements on the inland river system

and crafting regulations to create a new Coast Guard office to oversee vessels engaged in activities on the Outer Continental Shelf. Finally, this attorney is responsible for managing the Eighth District's legal efforts related to the rapidly expanding Gulf of Mexico energy sector.

Incident Management. The magnitude of maritime activity in the Eighth District area of responsibility and the climatological threats of the region require the legal office to develop and maintain expertise in incident management law. One attorney in the office focuses on Coast Guard legal authorities and responsibilities during natural or man-made emergencies. In support of this practice area she participated in several disaster response exercises alongside federal, state, and local first responders and industry representatives and has provided legal support to six Unified Command organizations that are managing a variety of incidents including oil spills, barge groundings, and sunken vessels.

Military Justice. Numerous statutory changes to the Uniform Code of Military Justice (UCMJ), particularly as it relates related to sex-related offenses, continue to make the military justice practice area dynamic and challenging. This past year, the office handled over sixty allegations of misconduct. Most cases involve relatively minor offenses and are disposed of through administrative action or non-judicial punishment under Article 15 of the UCMJ, however, this year the legal office worked on almost twenty cases involving allegations of serious misconduct, including two contested general courts-martial for sexual assaults and other offenses. Regardless of the ultimate forum, legal office attorneys review the investigations and develop courses of action that protect the rights of victims and the accused while serving justice and upholding the good order and discipline of the units.

Legal Assistance. To service the personal legal needs of our people, the Eighth District legal office dedicates one full-time civilian attorney, five reserve office attorneys, one enlisted reserve attorney, and three attorneys who are members of the Coast Guard Auxiliary to assist the men and women of the Eighth District with various legal matters. These attorneys provided assistance in 1026 cases in the last year, marking a 6% increase over this period. 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 Servicemember’s Civil Relief Act, real estate foreclosure and short sale, and notarial actions.

Outreach and Education. Legal office members are active in the community fostering personal and professional growth amongst themselves and others. A civilian attorney in the office completed the Coast Guard’s Midgrade Officer Career Transition Course, a selective program designed to transition midgrade professionals across all Coast Guard specialty communities into organizational leaders. One active duty attorney works as an adjunct lecturer at Tulane Law School while another taught a maritime regulations “skills course” to twenty-five students at Loyola University. In addition, members served as mock trial judges at various local and national competitions. In addition to these events, the office conducts regular outreach with area law schools to promote awareness of legal opportunities in government and the military. During this period legal office visited six laws schools, namely South Texas College of Law, University of Mississippi, Southern University, Loyola University of New Orleans, Louisiana State University, and Tulane University.

Finally, the office supports a robust law-student intern program that runs throughout the academic year and into the summer months. Over the course of the past year, the office has welcomed and hosted nine interns from a diverse list of schools including Tulane, Loyola, Louisiana State University, Clemson, the University of Southern California, and Notre Dame.

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 it provides support to the District Commander and her 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 2,036 active duty, 539 Reserve, 129 civilian, and 3,311 Coast Guard Auxiliary personnel.

Great Lakes Maritime Strategy. Ninth District attorneys continue to play a pivotal role in advancing the Great Lakes Maritime Strategy (GLMS) and its strategic objectives, and have assisted the Ninth District in meeting the bi-national “saltless, seasonal, sensitive, and shared” challenges of the fourth largest international trade-crossing in the world. The Ninth District had the second highest average number of search and rescue cases of all Coast Guard Districts from 2005-15. The GLMS is the cornerstone document shaping the District Commander’s vision and the Ninth District’s operations. It 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. Since 2006, the Coast Guard and the Royal Canadian Mounted Police (RCMP) sought and developed an initiative, the International Cross-border Maritime Law Enforcement Officer (ICMLEO) program – informally known as “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 and boardings to prevent, detect, and investigate criminal activities on shared waterways. Both Coast Guard and RCMP vessels have participated in Shiprider patrols since 2013. In FY 2016, joint platforms conducted 115 patrols for a total of

542 underway hours. Historically, these patrols have led to several vessel terminations and two arrests for illegal tobacco smuggling and the recovery of 1,521 pounds of tobacco. Ninth District judge advocates continue to provide real-time advice to field units operating on Shiprider platforms and offer familiarization training to Assistant U.S. Attorneys who may accept referral of Shiprider interdictions. Additionally, in this past year, one staff attorney coordinated discussions and witness preparations for a potential Canadian prosecution of a United States citizen charged in a Provincial Court under Canadian tax laws. Another staff attorney recently audited the Coast Guard Maritime Law Enforcement Academy’s Shiprider training in South Carolina, where Coast Guard boarding officers and Canadian Royal Canadian Mounted Police jointly train in Shiprider operations.

Partnership with the Department of Justice (DOJ). The Ninth District spans the 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. Two of the Ninth District’s 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. Day-to-day, 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, possession of child pornography, and manslaughter. Additionally, Ninth District judge advocates provide

support to Department of Justice attorneys representing the United States in civil actions in federal court in which the United States is a party. In FY 2016, the Ninth District judge advocates office provided support to the investigation and ultimate federal indictment of the operator of a vessel whose Chief Engineer directed members of the crew to discharge oily waste-water overboard instead of storing it onboard as required by federal law and international agreements. These events occurred on multiple occasions, with at least one of these occurring while the ship was in the Great Lakes. Ninth District Judge Advocates assisted in review of the case packages, worked with the U.S. Attorney's office who accepted the case, coordinating with Customs and Border Protection to hold the vessel in port, and negotiating a Surety Agreement with the operator.

The Ninth District “Federal Ticket Program.” In FY 2016, the legal office facilitated another incredibly successful year for the Ninth District's Federal Ticket Program. 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.” With the exception of a portion of the First District, this program is unique to the Ninth District. In FY 2016, boat crews employed the program in Lakes Erie, Superior, Huron, and Michigan to secure fourteen federal convictions. Those convictions, for crimes such as boating under the influence and grossly negligent vessel operation, yielded sentences of jail, probation, and \$9,200.00 in fines. More importantly, the program continues to provide several benefits: (1) the program empowers boat crews with an additional, real-time law enforcement option to deter and punish criminal activity; (2) the program hones boat crews' investigative, evidence-gathering, report-writing, and trial testimony skills; (3) the program enables Ninth District judge advocates to engage and interact with DOJ prosecutors on a daily basis; and (4) the program promotes general deterrence against Great Lakes boaters seeking to engage in similar criminal behavior. The program is lauded by U.S. Attorneys, U.S. Magistrates, and the District Commander. Additionally, two Coast Guard units—Coast Guard Station Belle Isle and Coast Guard Station Cleveland Harbor—were selected as two of four Coast Guard units in the nation to participate in the Boating Under the Influence of Drugs (BUI-D) pilot program. This program allows Coast Guard boarding officers to test boaters for the presence of drugs such as marijuana in boaters' saliva. During this year Coast Guard units issued two tickets under the BUI-D program, yielding two guilty pleas. As a direct result of its successes, Ninth District judge advocates were requested by field units to provide additional training to certify 100 boarding officers. Finally, the Ninth District Legal and Law Enforcement Offices were selected as recipients of the Department of Homeland Security (DHS) Office of General Counsel Excellence in Training Award for the Federal Ticket training program.



Search and Rescue Cases. Ninth District judge advocates have had to aggressively work with the Coast Guard Investigative Service to successfully prosecute and secure convictions for individuals who make false search and rescue (SAR) calls to the Coast Guard.

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 2016, , Ninth District judge advocates served as trial counsel for one General Court-Martial, Special Courts-Martial, three Summary Courts-Martial, and three flag-level non-judicial punishment proceedings before the District Commander and District Chief of Staff. Defendants in several of these cases were awarded sentences of confinement, forfeiture of pay, reduction in rank, and punitive discharges. Additionally, beyond their normal military justice responsibilities, the Staff Judge Advocate is designated as a Military Judge.

Marine Casualty Investigations and Environmental Response. Ninth District judge advocates provide real-time command advice to staff and field units on marine casualties. In FY 2016, the Ninth District Legal Office provided support to a Unified Command established to respond to the sunken barge ARGO, a barge that sank in Lake Erie in 1937.



The ARGO was identified by the National Oceanic and Atmospheric Administration (NOAA) in 2013 as one of the top five legacy environmental threats on the Great Lakes. The Legal Office assisted in advising on the establishment of a safety zone around the response site as well as real-time advice regarding salvage and environmental issues associated with the response. This critical real-time support allowed the Unified Command to focus on safely

removing the ARGO's cargo of over 34,000 gallons of contaminated water.

Legal Assistance. To date in FY 2016, the office opened over 936 legal assistance cases for 597 legal assistance clients, including the execution of 667 wills, powers of attorney, and notary documents; assisted 8562 landlord-tenant clients, 80 family law clients, 31 consumer law clients, 26 real property clients, and 18 tax law clients; and handled 52 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 sixteen 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 Legal Center and School, and the Navy's Naval Justice School. Finally, the legal assistance attorney was recently by-name requested to serve on a military advisory council for the U.S. Consumer Financial Protection Bureau.

Eleventh Coast Guard District



The Eleventh District legal office is located in Alameda, California on Coast Guard Island. The 2,600 active duty, reserve, and civilian Eleventh District employees conduct and support Coast Guard missions over 3.3 million square miles of water spanning from the Eastern Pacific Ocean to the Northern California border with Oregon, and include three of busiest commercial container ports in the United States. The legal office consists of 8 attorneys: the Staff Judge Advocate, a deputy, a marine safety attorney, three general practice attorneys, and two Special Assistant U.S. Attorneys (SAUSAs) who serve in the Southern District of California (San Diego) and Central District of California (Los Angeles). The office is a true General Counsel practice as it provides counsel on all legal issues to the District Commander and staff, four Sectors—which are large multi-mission commands: two Air Stations, one aviation Forward Operating Base, 17 cutters, 13 Small Boat Stations, and four Aids to Navigation Teams. Specialty practice areas include counter-drug operations, environmental law and military justice.

Counter-Drug Mission. 2015 and 2016 have been record-breaking years for maritime drug interdiction, with over 109,000 kgs of cocaine seized, with a street value of over \$3.5 billion dollars. These operations included the interdiction of six self-propelled semi-submersible vessels carrying a total of 25,000 kgs of cocaine. Our office prides itself on providing real-time legal advice to field units conducting boardings, searches, use of force, evidence collection, witness interviews, and detaining suspects. We actively participate in international treaty development and implementation by attending Multi-lateral Counter-Drug Summits which typically include representation of over 20 partner nations and multi-agency representatives. Our office also provides counsel on interpretation of bilateral counter-drug agreements with our partner nations, which allow us to board foreign-flag vessels with greater ease, as well as treaties and other transnational legal frameworks. Our efforts have been instrumental in improving both interdictions and prosecutions. Our SAUSA's in San Diego and Los Angeles lead the maritime counter-drug efforts in their respective U.S. Attorney Offices and ensure sound prosecutions for transnational criminal organizations operating in Mexico and beyond.

Environmental Law Support. Our office provides legal counsel to our operational commanders who are often Federal On Scene Coordinators (FOSC) for oil-spill response and other environmental missions. Our environmental law team also supported investigations and criminal prosecutions for intentional discharges of oil into the ocean (Act to Prevent Pollution from Ships (APPS)). Most recently, our office assisted in the investigation of 31,000 gallons of unaccounted for oily water aboard a commercial tanker, identified a failure to report hazardous incinerator conditions, and preserved essential physical and electronic evidence to support criminal or civil penalties. District Eleven has overseen over \$2 million in criminal penalties and administrative costs imposed on commercial freighters intentionally altering their oil record books to cover-up illegal discharges of oil.

Military Justice/Sexual Assault Prevention. District Eleven legal has worked closely with the staff of the military campaign office to eliminate sexual assault and local Coast Guard offices to provide legal support to their prevention awareness efforts. Judge advocates have traveled throughout the District to train our personnel on prevention and intervention tactics to combat sexual assault. District Eleven attorneys also serve as instructors for the “Sexual Assault Prevention and Response for Command Cadre” course at Coast Guard Training Center Petaluma, California. This course provides invaluable insights on preventing and responding to sexual assault incidents to Coast Guard Officers, as well as senior enlisted personnel attending the Chief Petty Officer’s Academy. In addition, our legal staff works tirelessly to facilitate sexual assault investigations and prosecute cases as justice requires.

International Engagement. District Eleven Judge Advocates have traveled throughout the Western Hemisphere to support international training and engagement efforts with our Central American partners and Mexico. Bringing unique maritime law enforcement and prosecution skills, our lawyers have participated in multiple exercises with Mexico, Canada, Guatemala, and Honduras, enhancing their ability to enforce counter-drug laws.

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, four reserve attorneys, and three support personnel.

Military Justice. One of the core functions of the Legal Office is to prosecute or otherwise dispose of military justice cases arising at Thirteenth District units. The office also provides a high volume of advice on other military personnel issues including administrative separation boards, administrative and criminal investigations, search authorizations, military protective orders, civilian criminal charges, and Non-Judicial Punishment.

Administrative Law. Nearly 70 rulemaking proposals, rules, and notices for field regulations were reviewed for compliance with the APA and other rulemaking requirements by the Legal Office over the last year. The Legal Office also reviewed and provided advice on numerous Freedom of Information Act requests.

Operational Law. The Legal Office provides operational law advice to all Thirteenth District units, ranging in size from remote small boat stations and patrol boats to 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. Of particular note, the Legal Office was actively involved in developing plans for and advising on the response to significant on-water protest activity throughout the Thirteenth District, much of it relating to Arctic oil drilling. In one instance, demonstrators rappelled from a bridge in Portland, OR preventing the departure of a drilling support vessel.



Additionally, the Legal Office advised on numerous issues stemming from the District's extensive maritime border with Canada, including significant environmental response issues and the continued implementation of an U.S.-Canada ship riding agreement for cross-border enforcement actions.

The Legal Office has also been actively engaged in advising units regarding the impact of recent Washington and Oregon state legislation legalizing marijuana on Coast Guard drug enforcement operations throughout D13. The issue is particularly challenging in Washington where the transport of state-legal marijuana on Federal waterways has been observed and is expected to increase in the future.

In addition to their regular duties, attorneys at the Thirteenth District serve as Special Assistant U.S. Attorneys for both the Western District of Washington and the District of Oregon. As such, the office has and continues to participate in a number of ongoing federal criminal prosecutions.

Fourteenth Coast Guard District



The Fourteenth Coast Guard District is the largest Coast Guard 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% of the United States' entire Exclusive Economic Zone. The Fourteenth District staff is headquartered in Honolulu, Hawai'i and supports Coast Guard operations within the main Hawaiian Islands, Guam, Commonwealth of the Northern Mariana Islands, American Samoa, Japan, and Singapore. The legal office is staffed by four judge advocates, one civilian legal assistance attorney, one paralegal, and one legal yeoman.

Distant Water Tuna Fleet

The Distant Water Tuna Fleet (DWTF) is a U.S. Purse Seine Fleet comprised of 40 vessels, licensed under the South Pacific Tuna Act of 1988 to fish throughout the vast Western and Central Pacific Ocean, including waters subject to the jurisdiction of the Pacific Island Parties to the South Pacific Tuna Treaty. The U.S. Government pays approximately \$20 million annually for the licensing rights for this strategic fleet (and the fleet pays around \$60 million in addition). Although these are uninspected commercial fishing vessels that are not required to obtain a CG Certificate of Inspection, they are required to comply with certain manning requirements, as well as vessel and operational safety and pollution prevention regulations. Manning, safety, and crew treatment concerns throughout the fleet continue to be an enforcement challenge for District Fourteen due to constrained resources, vast operating areas, and broad Congressionally-authorized manning waivers.

Congress has authorized these vessels certain manning exemptions, permitting foreign persons to fill the chief engineer and mate positions, which are typically required to be filled by U.S. citizens. Given this and other waivers,¹ the master may be the only U.S. citizen aboard many of these vessels. Despite these generous allowances, on the rare occasion that our units board these vessels, they are often found in violation of the manning waivers and / or with a "paper" Captain (where the person actually in command of the vessel is a foreign citizen). This frustrating issue is exacerbated by minimal penalty amounts, which have proven insufficient to deter this behavior. D14 has submitted a Legislative Change Proposal on the subject.

¹ For vessels under 200GT, the general "75/25" rule is found in 46 USC 8103. It requires 75% of the crew of a U.S. vessel to be U.S. citizens. However, this statute expressly exempts vessels fishing for highly migratory species and vessels operating outside of the EEZ so this rule does not apply to the DWTF or the local long-line fleets.

A number of vessels in this fleet have sub-par safety and pollution records. During rare safety inspections, crews have failed emergency drills due to, in part, unqualified persons in key positions and language barriers due to a mixed, nearly entirely foreign crew. The Fourteenth District has also uncovered a number of accounts of intentional oil discharges and circumvention of pollution prevention measures in this fleet, several of which have been successfully pursued in court to enforce compliance and deter similar conduct.

Referrals to DOJ

- While entering port, the F/V CAPT VINCENT GANN (U.S.-flagged, DWTF, Tri-Marine LLC) was unable to shift out of gear and collided with three moored vessels. Approximately 500 gallons of diesel fuel were discharged into the water from the VINCENT GANN, a violation of the CWA. The accident revealed the VINCENT GANN was storing fuel forward of the collision bulkhead in violation of the Act to Prevent Pollution from Ships (APPS).



(Pictured: Collision area on bulbous bow of CAPT VINCENT GANN, boom and absorbent pads deployed.)

The subsequent investigation identified other APPS-related deficiencies and highlighted a widespread practice among Tri-Marine vessels, if not DWTF vessels generally, storing fuel forward of the collision bulkhead (three other Tri-Marine vessels were confirmed or suspected of storing fuel forward of the collision bulkhead). The Fourteenth District, in coordination with Sector Honolulu, successfully referred this case to DOJ to pursue a judicial civil penalty. The United States and Tri-Marine Management Co. LLC ultimately agreed to a consent decree, which included payment of a \$1,050,000 fine and required changes to Tri-Marine's environmental compliance procedures across Tri-Marine's entire fleet of vessels.

- On July 10, 2015, MSD American Samoa received a report from the Samoan Marine Police of an oil sheen in the vicinity of CFV CAPE MAY, a U.S.-flagged vessel. USCG pollution responders confirmed the existence of a rainbow sheen on the surface of Pago Pago Harbor, a U.S. navigable waterway, boarded CAPE MAY, and took samples of the vessel's waste stream. The responders also discovered the vessel's oil record book (ORB) appeared to be incomplete. A preliminary MARPOL spot check found significant omissions in the ORB that did not match the oil content meter and missing entries for waste oil disposal using the incinerator. In addition, the crew was unable to demonstrate proper operation of the Oily Water Separator (OWS). During the expanded MARPOL exam, Coast Guard marine inspectors found indications of possible discharge of oil into the environment; bypass of pollution prevention equipment; omissions from the ORB; non-compliance with garbage retention and discharge regulations; and improper documentation concerning operation of the onboard incinerator. The First Engineer also stated that he witnessed the chief engineer using the shaft alley bilge pump while underway to discharge oily water collected in the shaft alley bilge and admitted to using the shaft alley bilge pump himself. He also showed the inspectors a portable pump used to pump bilge water out of the main engine room bilge and into the shaft alley bilge or directly to the settling tank. Other crewmembers corroborated this practice. The Department of Justice, Environmental Crimes Section accepted referral of this case. Cape May Fishing LP, Tri-Marine Fishing Management, LLC and the United States executed a security agreement, including a bond in the amount of \$250,000.00. The Fourteenth District is supporting this pending criminal prosecution.
- On July 7, 2015, MSD American Samoa personnel commenced a scheduled MARPOL Annex I Exam on the CFV PACIFIC BREEZE. During the course of that examination, inspectors reviewed the ORB and noted the last sludge/oily waste offload to shore took place on April 30, 2014. As the inspectors continued, they found the vessel had been in continuous service since April 30, 2014 without discharging sludge or waste oil. They also discovered the vessel did not have an alternative means of processing sludge or oil like an incinerator. A review of the waste stream revealed the amount of waste fuel processed significantly exceeded the retention capacity of the vessel. In attempting to perform an operational test of the oily water separator (OWS), the inspector found the oil content meter (OCM) inoperable and the three way valve disconnected from the OCM. A review of the vessel's history revealed ongoing issues with MARPOL compliance dating back to 2009. The Department of Justice, Environmental Crimes Section accepted referral of this case. Pacific Breeze Fisheries, LLC and the United States executed a security agreement including a bond in the amount of \$400,000.00. The Fourteenth District is supporting this pending criminal prosecution.

Military Justice.

Over the past year, the Fourteenth District judge advocates have participated in a variety of military justice activities including General and Summary Courts-Martial, Article 32 hearings, and advice and counsel to field commanders regarding the Article 15 process. Notable Court martial proceedings include:

- An E-7 was found guilty of Article 107 false official statement; Article 120 and 120c for indecent conduct for 16 instances of videotaping the private areas of another without consent under circumstances where that person had a reasonable expectation of privacy; and Article 134 for creation and possession of child pornography. The member was sentenced to reduction in rank to E-1, confinement for 10 years, and a dishonorable discharge.
- An E-4 was found guilty of Article 134 for wrongful possession of child pornography. The member was sentenced to confinement for 30 months, reduction to pay grade E-1, forfeiture of all pay and allowances, and a bad conduct discharge.

International Engagement

The United States Pacific Command (USPACOM) and the Armed Forces of New Caledonia (FANC) hosted a Workshop entitled “Maritime Security in the Pacific.” The Workshop took place at the Naval Base in Nouméa, New Caledonia from 20 to 24 April 2015. It provided a collaborative forum for legal advisors and military/law enforcement officers from Pacific Island Nations (PIN) to discuss issues relating to maritime security in the region.

The workshop was loosely sponsored by the QUADs, with the goal of making it an official QUADs workshop next year. The Defense Institute of International Legal Studies (DIILS) and the Asia-Pacific Centre for Military Law (APCML) also supported the event. Presenters from the United States, France, Australia, and New Zealand presented on legal structures, enforcement operations, case package preparation, prosecutions, and collaboration between investigators and prosecutors. The presenters also facilitated breakout discussions where the small groups reported back to the entire assembly. Attendees included attorneys and/or military/law enforcement officers from Thirteenth District, Fourteenth District, PACOM, DIILS, NOAA, France, Australia, New Zealand, PNG, Palau, FSM, Fiji, Tonga, Samoa, and Nauru. The 2016 “Marine Security in the Pacific” Workshop will take place from 29 August – 2 September in Sydney, Australia.



(Pictured: Delegation photograph, Maritime Security in the Pacific Workshop 2015.)

Legal Assistance Program

The Fourteenth District Legal Assistance Office provided client services to over 800 personnel over the past year. In addition to Coast Guard personnel, the Fourteenth District Legal Assistance team aided many members from the large O’ahu-based active duty military community including the Army, Navy, Air Force, and Marine Corps, as well as their dependents and retirees. Among the noteworthy accomplishments of the past year, the Fourteenth District’s Volunteer Income Tax Assistance (VITA) program provided assistance to 91 taxpayers and saved military tax clients an estimated \$23,500 in tax preparation and filing fees while processing approximately \$290,000 in state and federal tax refunds.

Seventeenth Coast Guard District



Headquartered in Juneau, Alaska, the District Seventeen legal office supports the District Commander and subordinate operational units throughout Alaska, the Coast Guard’s most environmentally diverse and unique geographic region. Alaska is a maritime state, encompassing 3,853,500 square miles of water and over 33,000 miles of coastline, making for unique environmental and operational challenges distinct from every other district. Alaska is also the true embodiment of the state motto, “the Last Frontier,” with its limited transportation infrastructure. The vast majority of the state consists of small communities and villages often accessible only by sea or air. There is no more formidable and unforgiving physical environment for Coast Guard operations, both for air and surface assets. The District Seventeen legal staff consists of four judge advocates and two legal technicians in Juneau

and one civilian legal assistance attorney and a paralegal located in Kodiak. Throughout the past year, the office has advised clients on a wide variety of operational law, administrative law, environmental law, civilian and military personnel, damage claims, civil litigation, and military justice matters. Additionally, the District Seventeen Legal Office has provided the legal support necessary to ensure the effective execution of search and rescue, maritime safety, marine environmental protection, fisheries enforcement, and defense readiness missions throughout the North Pacific Ocean, Bering Sea, and the Arctic.



Arctic Engagement. As the “Gateway to the Arctic,” Alaska is the forefront of the United States’ interest in a matter rapidly growing in importance, both politically and economically. D17 Legal provided support to the Coast Guard’s Arctic operations in Arctic Shield 2015. These maritime operations included deployment of the first U.S. vessel to reach the North Pole unescorted

(USCGC HEALY – pictured at insert), forward deployment of Coast Guard aircraft to Deadhorse, AK, and the deployment of several Coast Guard cutters focused on protecting lives and property at sea, enforcement of laws and regulations in the region, tribal engagements and assistance, service to aids to navigation, performance and evaluation of science missions and a range of marine safety activities in many Arctic communities.

Environmental Law. In accordance with the National Environmental Policy Act of 1970, the Coast Guard completed an environmental assessment for Arctic Shield 2015. The assessment included consultations related to the Endangered Species Act and the Marine Mammal Protection Act and several public outreach events to ensure all concerned stakeholders had the opportunity to provide input or voice concerns related to Coast Guard Arctic operations. The information was used to inform and improve ongoing Arctic planning and future operations. As sea-ice continues to recede in the Arctic, the potential for increased maritime activity has risen. Increased use of the Northern Sea Route, Northwest Passage transits through the Bering Strait and traffic from oil/gas and tourism industries is increasing, along with the demand for maritime preparedness in the Arctic region.

“The Coast Guard is dedicated to ensuring the protection of the Arctic maritime environment and all those who depend upon it,” said Rear Adm. Dan Abel, Coast Guard 17th District commander. “We have worked with our federal, state, local and tribal partners to ensure that our operations are carried out in a professional manner while recognizing and respecting the sensitive environmental characteristics of the region where operations occur.”

Military Justice. District Seventeen attorneys provide real-time comprehensive legal advice to the District Commander and field commands in resolving and/or disposing of a variety of military justice issues. Military justice action in the previous year includes

coordinating and facilitating courts-martial, Article 15, UCMJ, non-judicial punishment, reliefs for cause, and processing members for administrative discharge. Issues addressed in the military justice cases include sexual assaults, assault, fraud, and child pornography. D17 has seen a number of high profile, high visibility, and complex military justice cases. The hard work and dedication of the Juneau JAGs reinforces the good order and discipline required to ensure safe and efficient mission execution.



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

Of note was the high profile prosecution of the owner of the vessel, “Wild Alaskan” In December 2015, after a nine-day trial, a federal jury found the owner guilty of violating the Refuse Act and Making False Statements. According to the evidence at trial, the “Wild Alaskan,” a floating strip club anchored in Kodiak Harbor between June 2014 and November 2014. Sewage from both bathrooms was piped to flow directly overboard into the waters of Kodiak Harbor. Evidence establishing this fact included the absence of any storage facilities on board the Wild Alaskan capable of containing sewage. In addition, video evidence from early November 2014, showed no systems on board the vessel capable of storing and properly disposing of sewage. The case was the product of an investigation by multiple United States Coast Guard units and law enforcement agencies, to include the United States Coast Guard Investigative Service, the United States Coast Guard Marine Safety Detachment Kodiak, the FBI, and the Kodiak Police Department. District 17 attorney Lt. Cmdr. William George was designated as a Special Assistant U.S. Attorney for the case and was instrumental in the successful prosecution.

Legal Assistance. Between Juneau and Kodiak, legal assistance services are delivered to small communities through regular and frequent traveling road shows. These road shows enable active duty members and their families, many of whom are assigned to remote locations, to receive professional legal services and advice. Due to the challenges created by distances between Kodiak and Coast Guard communities throughout Alaska, the judge advocates in Juneau have the unique and excellent opportunity to deliver a significant amount of legal assistance services to the military members, retirees, and families in this

area. The District Seventeen legal office relishes the opportunity to provide services to their shipmates in a wide array of areas: estate planning, family law, adoptions, debt collection, consumer protection, landlord-tenant law, Servicemember's Civil Relief Act, etc.

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 currently has posted a Commander, Lieutenant Commander and Lieutenant to full-time legal instruction duties with the cadets at the Coast Guard Academy. The Law Section is augmented as needed with a part time civilian instructor as well. This staff is known as the Law Section within the Humanities Department. All cadets are required to take a minimum of two semesters of law focusing on the military justice system, law of the sea, maritime law enforcement and constitutional criminal procedure. International Law, Constitutional Law, Rhetoric and Courtroom Advocacy, and National Security Law are also offered as electives. 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 law-centric programs including the Cadet Law Society and Cadet Mock Trial Team. They also prepare cadets for participation in an international competition for military service academies on the law of armed conflict, held each spring in San Remo, Italy at the International Institute of Humanitarian Law. 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. As time and resources permit, the Mock Trial Team also hosts up to 20 other colleges in the fall, for the Guardian Mock Trial Competition at the Coast Guard Academy. The First District legal office, the Coast Guard Academy SJA's office, and CG judge advocates 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.

When not working with the cadets, faculty members serve as moderators at legal conferences, contribute as guest speakers with the media, develop legal academic literature, and publish articles in legal journals.

Finally, the Coast Guard Academy Law Faculty, in conjunction with the Academy SJA office, 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, in subjects including Environmental, Intelligence, Criminal, and Operational law.

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 (TJAGLCS) are frequently assigned to follow-on duties as the Coast Guard Fellow at the Army's Center for Law and Military Operations (CLAMO). CLAMO is a resource organization for judge advocates and attorneys from all government services, staffed as a joint office with DoD, Coast Guard, and NATO representation. There, the Coast Guard Fellow provides counsel to military & civilian attorneys from the Coast Guard, DoD, and state National Guards on operational issues, in particular acting as the unit's expert on Defense Support of Civil Authorities (DSCA) during real time operations and exercises. The Fellow also instructs at the school and oversees the execution of the TJAGLCS domestic operational law course.

At the Coast Guard's Maritime Law Enforcement Academy in Charleston, South Carolina, one military attorney serves a 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."

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, three judge advocates also serve on the Academy faculty where they teach a number of undergraduate law courses as part of the cadet curriculum. Additional information about the legal

education at the Coast Guard Academy is contained in the "Legal Education and Training" section above.

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 special legal projects while at the Academy and 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 and client support to staff elements.

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. The legal assistance practice continues to flourish as the SJA provided assistance to more than 400 clients for the past two years.

The training center is home to 16 separate schools, including the National Motor Lifeboat School (located in Ilwaco, Washington) 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 principal legal advisor to the Training Center's Commanding Officer and staff. Major areas requiring advice include community relations, real property management, recruit separations, personnel law, ethics, fiscal law, government contracts, environmental matters, claims and litigation, 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 3,500 new recruits annually, in compliance with Article 137 of the UCMJ. In addition, the SJA assists the Training Center's 10 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 and retirees, as well as to their dependents.

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. The provision of legal assistance took a significant leap forward this year with the addition of a First Class Petty Officer, assigned to support the Staff Judge Advocate in the legal assistance mission. This enhanced support, lead to a significant increase in the amount of legal assistance clients supported.

This year saw also an increase in civilian personnel issues, including the successful resolution of several Equal Employment Opportunity cases. The Staff Judge Advocate also guided and advised the command on all military justice issues, to include sexual assault prevention and prosecutions. The Staff Judge Advocate also worked closely with the engineering staff on environmental conservation and remediation strategies for facilities projects, ensuing federal and state compliance with all applicable environmental laws.

