



DEPARTMENT OF THE NAVY
DEFENSE SERVICE OFFICE WEST
3395 STURTEVANT STREET, SUITE 2
SAN DIEGO, CA 92136-5072

DEFSEVROFFWESTINST 5800.10
011
3 Dec 12

DEFENSE SERVICE OFFICE WEST INSTRUCTION 5800.10

Subj: LEGAL SERVICES AVAILABLE AT DEFENSE SERVICE OFFICE WEST

Ref: (a) COMNAVLEGSVCCOMINST 5450.1G
(b) JAGINST 5800.7F

Encl: (1) Article 32, UCMJ, Pretrial Investigation, Request for Services
(2) Special Court-Martial, Request for Services
(3) Administrative Separation Board, Request counsel for the Respondent

1. Purpose. To describe services available, and publish procedures for requesting those services from Defense Service Office West (DSO West).

2. Cancellation. NAVLEGSVCOFFSWINST 5800.1N.

3. Mission. To provide defense counsel, personal representation, disability evaluation advice, and limited legal assistance services within an 18 state and four country geographical Area of Responsibility.

4. Assigned Geographic Areas of Responsibility. For legal services described in reference (a): Arizona; California; Colorado; Kansas; Nevada; New Mexico; Utah; Washington; Oregon; Alaska; Texas; Idaho; Wyoming; North Dakota; South Dakota; Nebraska; Montana; Oklahoma; that portion of Mexico including and west of the states of Chihuahua, Durango, Nayarit, Jalisco, and Colima; Pacific Ocean areas and islands south of latitude 45N and east of longitude 135W; Ecuador; Peru; and Chile.

5. Available Services and Procedures for Requesting Services

a. Defense Counsel Services. Defense counsel services are provided in response to command requests for such services. The Defense Department mission is to provide effective representation to Navy, Marine Corps, and Coast Guard personnel before general courts-martial (GCMs), special courts-martial (SPCMs), UCMJ Article 32 pretrial investigations, pretrial confinement proceedings, administrative separation boards, proceedings in which service members have been designated a party pursuant to the Manual of the Judge Advocate General (JAGMAN investigations) and other matters as appropriate. Additionally, defense counsel will advise members concerning their rights associated with nonjudicial punishment, summary courts-martial, command-directed mental health evaluations, Article 138 and 1150 complaints (or other formal complaint procedures), and other military matters, as appropriate.

Note: DSO West provides services to the U.S. Coast Guard in the Pacific Northwest Area of Responsibility (AOR) when a U.S. Coast Guard Judge Advocate is assigned to DSO West Detachment Bremerton.

(1) Court-Martial Representation. Requests for assignment of defense counsel for courts-martial and UCMJ Article 32 Pretrial Investigations. Requests

for assignment of defense counsel shall be submitted by letter. Commands shall use enclosures (1) and (2) to request assignment of counsel for UCMJ Article pretrial investigations and special courts-martial respectively. Supporting documentation as indicated in the sample letter requests shall be provided with the request.

NOTE: The requesting command must assign a liaison officer, normally the command legal officer, command legalman or staff judge advocate, for coordination of administrative matters. These matters may include travel funding for counsel or witnesses, preservation of evidence, identification of relevant witnesses, etc.

(2) Administrative Separations

(a) Administrative Separation Election of Rights. Service members notified of administrative separation procedures who elect to consult with counsel prior to completion of said notification may consult with defense counsel during designated Defense Personal Representation Hours. Administrative separation consultation shall be for the limited purpose of advising the service member of his or her rights and general information regarding administrative separation, which generally does not form the basis of an attorney-client relationship. Following consultation, if the member elects to appear before an administrative separation board, the responsible command shall comply with paragraph 5a(2)(b) below to request counsel for the member.

(b) Administrative Separation Representation. Upon a service member's election to appear before an administrative separation board, commands shall use enclosure (3) to request assignment of counsel. Supporting documentation as indicated in the sample letter request shall be provided with the request.

NOTE: The requesting command must assign a liaison officer, normally the command legal officer, command legalman, or staff judge advocate, for coordination of administrative matters. These matters may include travel funding for counsel or witnesses, preservation of evidence, identification of relevant witnesses, etc.

(3) Initial Review of Pre-trial Confinement. Counsel shall be provided, if requested, to represent a service member for the initial review of confinement under R.C.M. 305. The assigned counsel will maintain this limited representation until the member's command requests assignment of counsel as applicable under paragraph 5(a)(1) above.

(4) Defense Department Office Locations. Questions concerning defense related representation services and requests for appointments may be made in person or by phone at the following offices:

(a) Naval Base San Diego (DSO West, Building 56). Telephone: 619-556-1684/5 or Fax: 619-556-8955 (DSN prefix is 526).

(b) Naval Base Kitsap (DSO West Detachment Bremerton, Building 433, First Deck). Telephone: 360-476-2156 or Fax: 360-476-6316 (DSN prefix is 735).

(c) Naval Air Station Fort Worth Joint Reserve Base (DSO West Branch Office Fort Worth, Building 1515). Telephone: 817-782-6007.

b. Legal Assistance. In rare circumstances, when the RLSO cannot provide

legal assistance services due to a conflict of interests, DSO West attorneys may perform Legal Assistance Services when approved by the Executive Officer or OIC Detachment Bremerton.

6. Costs. Financial responsibility for costs incurred while rendering court-martial services will be allocated under Section 0145 of reference (b). Reimbursable costs for courts-martial include, but are not limited to, travel and per diem expenses of counsel, witnesses, expert witness fees, investigative assistance, and transcription services. Responsibility for funding Administrative Boards rests entirely with the requesting command. Lines of accounting, if necessary for travel or other expenses, must be set up at least five days prior to travel for Boards requiring detailed attorneys to travel outside of their duty station area. When other legal services are involved, travel and per diem expenses, including those for legal assistance trips out of the local area, will be paid by the requesting command.

7. General Information. General information regarding the availability of services may be obtained by contacting DSO West at (619) 556-1684 (DSN prefix is 526).



L. B. SULLIVAN

Distribution:
DEFSEVVOFFWESTINST 5216.1J
List I

ARTICLE 32, UCMJ, PRETRIAL INVESTIGATION, REQUEST FOR SERVICES

From: Commander, /Commanding Officer, (Command)
To: Commanding Officer, Defense Service Office West
(or appropriate detachment/Branch Office)

Subj: REQUEST FOR COUNSEL IN AN ARTICLE 32, UCMJ, INVESTIGATION
IN THE CASE OF (RATE/RANK NAME, BRANCH OF SERVICE, SSN)

Ref: (a) DEFSEVROFFWESTINST 5800.10

Encl: (1) Two copies of charge sheet
(2) Two copies of evidence (investigative reports,
witness statements, etc.)
(3) List of names, rates, duty stations, and telephone
numbers for all potential witnesses

1. Per reference (a), enclosures (1) through (3) are forwarded. Request assignment of qualified defense counsel to conduct an Article 32, UCMJ, pretrial investigation for (name of accused). (If aware accused already has counsel, state name of counsel and circumstances, e.g., counsel assigned while accused in pretrial confinement.)

2. The following information is submitted concerning this case:

a. The accused and all witnesses are available. The following military witnesses (name(s) and contact information/E-mail) have been placed in a legal hold status (if applicable). The accused may be contacted at (accused contact information/E-mail).

b. Documentary and/or real evidence pertinent to this matter not included as part of enclosure (2) is described and located as follows: list as applicable).

c. Any additional documentary evidence received by the command will be forwarded to defense counsel as soon as possible.

d. Potential issues: (e.g., ship's upcoming departure from area, unit's operating schedule (unclassified), expected discharge of potential witnesses, etc).

e. The following types of restraint for the following periods were imposed on this accused: (include restraints on liberty, restriction, civilian custody, and/or any confinement).

3. (_____) has been assigned as liaison officer for this case, and may be reached at (telephone number/E-mail address). The liaison officer understands he/she is responsible for maintaining positive communications with the defense counsel and ensuring that the accused and all witnesses identified by defense counsel are available and on time for interviews and the proceedings.

/s/ Signature of CO or designee

Enclosure (1)

SPECIAL COURT-MARTIAL, REQUEST FOR SERVICES

From: Commander, /Commanding Officer, (Command)
To: Commanding Officer, Defense Service Office West
(or appropriate Branch Office)

Subj: REQUEST FOR COUNSEL IN THE SPECIAL COURT-MARTIAL CASE OF
(RATE/RANK NAME, BRANCH OF SERVICE, SSN)

Ref: (a) DEFSEVROFFWESTINST 5800.10

Encl: (1) Two copies of referred and served charges
(2) Two copies of evidence (investigative reports,
statements, etc.)
(3) List of names, rates, duty stations, and telephone
numbers for all potential witnesses

1. Per reference (a), enclosures (1) through (3) are forwarded. Request qualified counsel be assigned to act as defense counsel at a special court-martial for (name of accused). (If aware that accused has counsel, state name of counsel and circumstances, e.g., counsel assigned while accused in pretrial confinement).

2. The following information is submitted concerning this case:

a. The accused and all witnesses are available. The following military witnesses (name(s) and contact information/E-mail) have been placed in a legal hold status (if applicable). The accused may be contacted at (accused contact information/E-mail).

b. Documentary and/or real evidence pertinent to this matter not included as part of enclosure (2) is described and located as follows: (list as applicable).

c. Any additional documentary evidence received by the command will be forwarded to the detailed defense counsel as soon as possible.

d. Potential issues: (e.g., ship's upcoming departure from area, unit's operating schedule (unclassified), expected discharge of potential witnesses, etc).

e. The following types of restraint for the following periods were imposed on this accused: (include restraints on liberty, restriction, civilian custody, and/or any confinement).

3. (_____) has been assigned as liaison officer for this case, and may be reached at (telephone number/E-mail address). The liaison officer understands that (s)he is responsible for maintaining positive communications with defense counsel and for ensuring the accused and all witnesses, as identified by defense counsel, are available and on time for interviews and the trial.

/s/Signature of CO or designee

Enclosure (2)

ADMINISTRATIVE SEPARATION BOARD, REQUEST COUNSEL FOR RESPONDENT

From: Commander, /Commanding Officer, (Command)
To: Commanding Officer, Defense Service Office West
(or appropriate Branch Office)

Subj: REQUEST COUNSEL FOR ADMINISTRATIVE SEPARATION BOARD IN THE
CASE OF (RATE/RANK NAME, BRANCH OF SERVICE, SSN)

Ref: (a) DEFSEVROFFWESTINST 5800.10

Encl: (1) Copy of signed and acknowledged Administrative
Separation Processing Notice - Administrative Board
Procedure or Notification Procedure
(2) Copy of all documents and investigative reports, which
establish and support the grounds for processing and
characterization of separation
(3) List of names, rates, duty stations, and telephone
numbers of all potential witnesses
(4) Service record of respondent

1. Per reference (a), enclosures (1) through (4) are forwarded. Request qualified counsel for respondent be assigned to act as counsel at an administrative separation board for (name of respondent).

2. The following information is submitted concerning this case:

a. The respondent and all witnesses are available. The respondent and witnesses may be contacted at (name(s) and contact information/E-mail). If the respondent and witnesses are unavailable, explain.

b. Documentary and/or all real evidence pertinent to this matter not included as part of enclosure (2) is described and located as follows: (list as applicable).

c. Any additional documentary evidence received by the command will be forwarded to counsel for respondent as soon as possible.

d. Potential issues: (e.g., ship's upcoming departure from area, unit's operating schedule (unclassified), expected discharge of potential witnesses, etc).

3. (_____) has been assigned as recorder for this case and may be reached at (telephone number/E-mail address). The recorder will contact counsel for respondent within three days after assignment in order to arrange administrative matters and set a hearing date. The recorder will ensure the availability of the respondent and all military and civilian witnesses attached to this command for interviews and the hearing.

/s/Signature of CO or designee

Enclosure (3)