



**THE FIRST DISTRICT
UNITED STATES COAST GUARD
LEGAL ASSISTANCE PROGRAM
IS LOOKING FOR A FEW GOOD
USCG AUXILIARY LAWYERS**



**TO ACT AS A FORCE MULTIPLIER
IN IT'S NEWLY CREATED
LEGAL ASSISTANCE TASK FORCE**

TO ALL MEMBERS OF THE FIRST CG SOUTHERN REGION:

I am pleased to announce that the Legal Assistance Program has been implemented in the First District, Northern and Southern Regions. This is an outstanding opportunity for attorneys who are members of the Auxiliary to assist Coast Guard personnel and dependents with personal civil matters. The entire scope of the Legal Assistance Program can be found in COMDTINST 5801.4E, dated October 26, 2005 and the District Directive can be found in CGDONEINST 5801.4, (October 4, 2006). A copy of the District Directive together with the application form is attached to this announcement. I urge all members of First Southern who are licensed attorneys in the States of New York, Connecticut, New Jersey and Vermont to give some of their professional time to the men and women of the Coast Guard.

I wish to recognize the contributions of RCO NY Sector North Herman H. Tietjen, who began work on the Legal Assistance Program while he was DSO-L/P and continued this after he became RCO in January 2005 and William Confalone, our current DSO-LP, and his staff as well as other members of the Auxiliary. Below are some of the features of the program:

- WHO: Auxiliaries who are attorneys throughout the 1st District.
- WHAT: Willing to provide voluntary legal services to members of the Service, dependents, retirees, under guidelines specified by the Legal Assistance Program. (e.g. – wills, family matters, matrimonial matters, consumer matters – advice and representation) No Military matters.
- WHEN: Right now!
- WHERE: Participating Attorney can see USCG clients at your office, or adopt a Station which may be visited from time to time to see clients or present informational programs useful to the personnel, or to meet with clients at any convenient place.
- HOW: Contact Ben McCarty, Director 1st District Legal Assistance Program at 1-800-848-3942 for details and an application.
- WHY: To fill a USCG need with experienced attorneys who know the USCG! This can also be used by attorneys to fulfill mandatory or voluntary pro bono requirements for their respective states.

Letters of Authority under Title 10 U.S. Code Section 1044 designating qualified Auxiliaries, as legal assistance attorneys will be issued. Designation letters shall define the legal subjects and issues authorized to assist with.

Reimbursable orders may be issued for travel expenses and per diem. Any filing fees, court fees, service of process fees, or other legal costs shall be the responsibility of the eligible client.

Coast Guard Auxiliary participants will not be held individually liable for civil liability as long as the Auxiliarist, after making full disclosure to the Coast Guard of his or her professional background and qualifications, is assigned duties and acts within the scope of his or her written authorization. Coast Guard Auxiliary participants, acting within the scope of his or her written authorizations, are assigned to duty and acting within the scope of their assigned duties for purposes of civil tort liability and are provided the status of a Federal civilian employee pursuant to Title 14 USC §823(a) and §831. Title 10 USC §1054 provides for indemnification and defense coverage against legal malpractice actions for attorneys within the Coast Guard while acting within the scope of their assigned duties.

For more information you can contact Herman H. Tietjen, J. D., RCO NY Sector North 845-867-7066 E-Mail htietjen@frontiernet.net or William Confalone, J.D. DSO-L/P 914-968-4980, E-Mail pinafore@optonline.net .

Sincerely,

COMO Charles Sferra
United States Coast Guard Auxiliary
1st Southern Region

Attachment



CGDONEINST 5801.4

FIRST COAST GUARD DISTRICT INSTRUCTION 5801.4

Subj: AUXILIARY PARTICIPATION IN DISTRICT LEGAL ASSISTANCE PROGRAM

Ref: (a) COMDINST 5801.4
(b) Coast Guard Auxiliary Manual M16790.1 (Series)

1. PURPOSE. This Instruction promulgates the policy and procedures for the participation of U. S. Coast Guard Auxiliarists who are trained and licensed in the practice of law to support and augment the First Coast Guard District Legal Division (dl) Legal Assistance Program.
2. ACTION.
 - a. First District Legal Division (dl) - will provide overall program management; any auxiliarists participating in the First District Legal Assistance Program will report to dl for certification, tasking, orders, and oversight.
 - b. First District Director of Auxiliary (dpa) – will identify potential participants with legal assistance skills for the First District Legal Assistance Program from the Auxiliary and direct these individuals to dl.
 - c. Auxiliary Legal Assistance Attorneys shall comply with the provisions of this instruction for training, designation, and performance of duties as a legal assistance attorney.
 - d. First District Sectors may publicize the availability of Auxiliary Legal Assistance Attorneys in their AOR. Sector personnel shall not use auxiliary attorneys to provide advice on operational law, military justice, or other Coast Guard mission area legal issues.
3. DIRECTIVES AFFECTED. None.
4. DISCUSSION. Coast Guard Auxiliarists who are appropriately licensed attorneys in a state within the First District are eligible to assist Coast Guard members and their dependents with personal legal issues in the First District Legal Assistance Program. Their participation would act as a force multiplier utilizing their volunteer intellectual capital resources to expand legal assistance support to the First District.

Auxiliarists in this program will only provide support to the Legal Assistance Program for members and dependents with personal civil law matters. Auxiliarists participating in this program will not provide support or advice on operations law, military justice, environmental law, admiralty, or any other official Coast Guard legal matters. If during the delivery of legal assistance service, an Auxiliary attorney is posed a question on these matters, he or she shall refer the client to the First District Legal Office. The Auxiliarist will only represent the individual eligible clients assigned to them through the Legal Assistance Program.

5. RESPONSIBILITIES / PROCEDURES.

a. Auxiliarist Participants who desire to participate in this program shall:

(1) Contact the First District Legal Division (dl), submit the completed application in Enclosure (2) and provide copies of their current licensure (certificate of good standing), resume and their legal subject matter of expertise;

(2) Complete the qualifications in Enclosure (1) and receive the formal designation letter in Enclosure (3) prior to providing personal legal assistance to members.

(3) Have a successful background check and wear appropriate Auxiliary uniforms, where feasible, while assisting Coast Guard Personnel;

(4) Be responsible at their own expense to maintain legal certification, professional competence, and qualifications. Any changes to a members' certification shall be immediately reported to First District Legal Division (dl);

(5) Provide legal advice in accordance with reference (a) and adhere to appropriate federal, state, and local ordinances, and rules of professional responsibility, and provide periodic reports to First District Legal Division (dl) of their assigned cases;

(6) Understand and agree that no compensation is either due or expected, at any time, from the members of the U. S. Coast Guard and their dependents, the U. S. Coast Guard, the U. S. Department of Homeland Security, or the U. S. Government for these services. Reimbursable orders may be issued for travel expenses and per diem. Any filing fees, court fees, service of process fees, or other legal costs shall be the responsibility of the eligible client.

b. The First District Director of Auxiliary (dpa) shall maintain copies of the database and designation letters of Auxiliarists approved by First District Legal Division (dl), and issue written orders to qualified Auxiliarists.

c. First District Legal Division (dl) shall:

(1) Verify participants' legal accreditation and maintain a list of qualified participants;

(2) Provide managerial oversight and training to participants of this program;

(3) Issue letters of authority under Title 10 U.S. Code Section 1044 designating qualified Auxiliarists as legal assistance attorneys. Designation letters shall define the legal subjects and issues participants are authorized to assist with. The Legal Assistance Attorney, currently Mr. Benjamin S. McCarty, will approve the qualifications for Auxiliary Legal assistance Attorneys and forward to the First District Staff Judge Advocate a recommendation package consisting of the application, signed qualification checklist, and a letter of authority ready for signing. The Staff Judge Advocate will review the package and approve the application by signing the letter of authority.

d. Either the U.S. Coast Guard or the Auxiliary volunteers may end participation in this program after a thirty day notice to the other. The procedures in Reference (b) sections 3 F-H shall apply if the Coast Guard seeks to terminate an Auxiliarist's participation.

6. PROFESSIONAL LIABILITY. Coast Guard Auxiliary participants will not be held individually liable for civil liability as long as the Auxiliarist, after making full disclosure to the Coast Guard of his or her professional background and qualifications, is assigned duties and acts within the scope of his or

her written authorization. Coast Guard Auxiliary participants, acting within the scope of his or her written authorizations, are assigned to duty and acting within the scope of their assigned duties for purposes of civil tort liability and are provided the status of a Federal civilian employee pursuant to Title 14 USC §823(a) and §831. Title 10 USC §1054 provides for indemnification and defense coverage against legal malpractice actions for attorneys within the Coast Guard while acting within the scope of their assigned duties. An Auxiliarist who acts outside the scope of his or her written authorization may be subject to individual civil liability. An Auxiliarist's assignment to duty shall be in accordance with Reference (b).

MARK J. CAMPBELL

Encl: (1) Qualifications Checklist for Legal Assistance Attorney
(2) Application for Auxiliarist Attorney
(3) Sample Letter of Appointment

Qualifications to Become Certified Legal Assistance Attorney

1. An Auxiliarist licensed as an attorney in a state within the First District must have read, understood, and be familiar with the following statutes, regulations, subjects, and resources before becoming certified as a Legal Assistance Attorney under the First Coast Guard District Legal Assistance Program. The First District Legal Assistance Attorney, currently Mr. Benjamin S. McCarty, is authorized to approve the personal qualifications for Auxiliary Legal Assistance Attorneys.
 - a. COMDINST 5801.4 Legal Assistance Program
 - b. CGDONEINST 5801.4 Auxiliary Participation in District Legal Assistance Program
 - c. COMDTINST M5800.1 Coast Guard Legal Professional Responsibility Program
 - d. Servicemembers' Civil Relief Act (SCRA), 50 U.S.C App. 501
 - e. Uniformed Services Employment & Reemployment Rights Act (USERRA), 38 U.S.C. 401
 - f. USCG Spousal and Family Support Policy, USCG Personnel Manual CIM 1000.6, Chap. 8M
 - g. Uniformed Services Former Spouses' Protection Act, 10 U.S.C. 1408
 - h. Servicemembers' Group Life Insurance (SGLI), U.S. Dept. of Veterans Affairs SGLI Handbook #H-29-98-1, www.insurance.va.gov, SGLV 8286 Beneficiary Designation Form
 - i. 10 USC 1044 Legal Assistance
 - j. 10 USC 1044a Authority to Act as notary
 - k. 10 USC 1044b Military powers of attorney: requirement for recognition by States
 - l. 10 USC 1044c Advance medical directives of members and dependents: requirement for recognition
 - m. 10 USC 1044d Military testamentary instruments: requirements for recognition by States
 - n. USCG Legal Assistance website, www.uscg.mil/legal/la
 - o. U.S. Armed Forces Legal Assistance website, www.legalassistance.law.af.mil
 - p. U.S. Army Judge Advocate General Corps JAGCNET website, www.jagcnet.army.mil
2. For those Auxiliarists visiting units for legal assistance visits and seeing multiple clients, registration and familiarity with the U.S. Coast Guard Law Manager case matter management and tracking software to perform conflicts checks must be shown. www.uscglegal.us
3. For those Auxiliarists being provided the DL Wills drafting wills software, training in the software and basic proficiency in drafting wills, powers of attorney, living wills, and healthcare proxies must be shown.

4. For those Auxiliarists being provided the power of attorney templates, training in the templates and basic proficiency in preparing a general power of attorney and a special power of attorney must be shown.

I certify that the Auxiliary attorney applicant _____ has met all qualifications to become a First District Auxiliary Legal Assistance Attorney.

First District Legal Assistance Attorney

Date



UNITED STATES
COAST GUARD
FIRST DISTRICT
LEGAL ASSISTANCE
TASK FORCE



APPLICATION, AFFIRMATION AND CERTIFICATION OF LEGAL ASSISTANCE ATTORNEY/OFFICER

I,
Name: _____, residing at,
Address: _____,

an attorney admitted to practice in the State(s) of _____,
and I do hereby affirm, mindful of the penalties for perjury, that:

(a) I am admitted to the Bar of a State within the First Coast Guard District for a period of more than one year;

(b) That I am not currently censured, suspended or disbarred from the practice of law as the result of a formal proceeding conducted by any appropriate Bar, State or Federal authority, nor have I been within the past five years the subject of a censure, suspension or disbarment;

(c) That I have read, reviewed and am fully familiar with the provisions of the Instructions of the Commandant of the United States Coast Guard (COMDTINST 5801.4E and M5800.1), the Service Members Civil Relief Act (SCRA, 50 USC 501), the Uniformed Services Employment and Reemployment Rights Act (USERRA, 38 USC 4301), Servicemembers Group Life Insurance provisions (SGLI - US Dept of Veterans Affairs), Uniformed Services Former Spouse Protection Act, (10 USC 1408), the USCG Spousal and Family Support policy (USCG PERSMAN Chapter 8.M.1-8.M.5), and 10 U.S.C. 1044, as well as the General Practice of Law in my jurisdiction and have read and will comply with the provisions of "First Coast Guard District Instruction 5801.4" and any further amendments thereto as they may be promulgated.

(d) I am mindful of the requirements of attorney-client confidentiality and will report to the Director of Legal Services for the First Coast Guard District on all matters assigned to me and maintain case management records on those matters, subject to his/her review;

(e) I am a member in good standing of the United States Coast Guard Auxiliary, currently a member of Flotilla _____.

Mindful of all of the above, I hereby apply for a voluntary position of Legal Assistance Attorney/Officer with the First Coast Guard District Legal Assistance office.

Dated: _____ Signed: _____

Office Address: _____

Office Phone: (____) _____
Office Fax: (____) _____
E-Mail: _____

I would prefer to handle matters involving the following areas of practice: _____

I would prefer NOT to handle matters involving: _____



Memorandum

Subject: AUTHORIZATION TO ACT AS A LEGAL
ASSISTANCE ATTORNEY

Date: 31 Jul 2006
5801

From: Kenney, F. J., CAPT
CGDONE (dl)
Staff Judge Advocate

Reply to
Attn. of: dla
Mr. Ben McCarty
(617) 223-8500

To: Auxiliarist John Jones

Ref: (a) 10 United States Code §1044 (a)
(b) COMDTINST 5801.4E

1. In accordance with references (a) and (b), you are hereby authorized to act as a Legal Assistance Attorney to provide personal legal assistance to eligible clients under the First District Legal Assistance Program. You are authorized to perform the following services: wills, powers of attorney, health care proxies, living wills, family law matters, and landlord-tenant cases.

2. Pursuant to references (a) and (b), the individuals you can provide notarial services for include active-duty members of the US Armed Forces and their dependents, members of the reserve components, and retired members of the US Armed Forces and their dependents. All Legal Assistance Attorneys shall only represent individuals for personal legal assistance matters. No assistance on operational law, admiralty, environmental law, military justice, ethics, or other Coast Guard legal matters is authorized and will be considered outside the scope of your authority. Legal Assistance Attorneys should inform third-parties when they are representing individual clients that they represent solely the individual client and are not acting as a representative of the US Coast Guard or the United States.

3. My current Chief of Legal Assistance, Mr. Ben McCarty will oversee management of your duties, training, and caseload. Thank you for volunteering to assist in the First District Legal Assistance Program. Your services are greatly appreciated.

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Encl: (1) 10 USC §1044 (a)
(2) COMDT INST 5801.4E

Copy: Dla