



DEPARTMENT OF THE NAVY

NAVAL LEGAL SERVICE COMMAND
200 STOVALL STREET
ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

COMNAVLEGSVCCOMINST 5450.1E
63
18 JUN 97

COMNAVLEGSVCCOM INSTRUCTION 5450.1E

From: Commander, Naval Legal Service Command

Subj: MISSION AND FUNCTIONS OF NAVAL LEGAL SERVICE OFFICES AND
TRIAL SERVICE OFFICES

Ref: (a) COMNAVLEGSVCCOMINST 5800.1D

Encl: (1) List of Naval Legal Service Offices and Trial Service
Offices, with area coordinators and geographic
areas of responsibility
(2) Functions assigned to Naval Legal Service Offices
(3) Functions assigned to Trial Service Offices

1. Purpose. To promulgate the assigned geographic areas of responsibility and functions to be performed by Naval Legal Service Offices (NLSOs) and Trial Service Offices (TSOs).

2. Cancellation. NAVLEGSVCCOM Instructions 5450.1D and 5450.15.

3. Mission. As outlined in this instruction, the mission of NLSOs and TSOs is to provide legal services within a given geographical area and to perform such other functions or tasks as may be requested or directed by competent authority. Reference (a), the Naval Legal Service Office/Trial Service Office Manual, shall govern the general administration and operation of NLSOs and TSOs, except as modified by this instruction.

4. Status and Command Relationships.

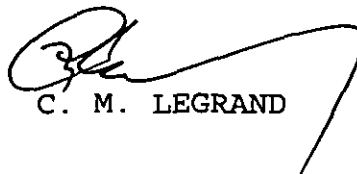
a. NLSOs and TSOs are shore activities under the command of Commander, Naval Legal Service Command, an echelon 2 commander. NLSOs and TSOs are subject to the area coordination authority of the commands listed in enclosure (1), or to such other commands and activities in the applicable geographic area as may be designated by appropriate instruction.

b. This instruction is effective immediately for NLSOs modified and TSOs established under the NLSO/TSO reorganization plan. Those activities which have not yet reorganized will, until the effective date of their reorganization, continue to operate under previously issued instructions. Responsibility for Cuba, the Caribbean Sea, and the islands of the West Indies (i.e., Greater Antilles, Lesser Antilles, and the Bahamas) will shift to NLSO Southeast and TSO Southeast effective 1 January 1998.

5. Action

a. Each NLSO shall, except where specifically indicated, provide all legal services set forth in enclosure (2) within the geographic area of responsibility assigned in enclosure (1). Each TSO shall, except where specifically indicated, provide all legal services set forth in enclosure (3) within the geographic area of responsibility assigned in enclosure (1). Individual NLSOs and TSOs, however, should be responsive to requests for the provision of legal services to commands, activities, and individuals outside of the assigned geographical area as the need arises. To that end, direct liaison among commanding officers of NLSOs and TSOs in affected regions is appropriate. The Commander, Naval Legal Service Command, shall be consulted for resolution of functional assignment issues not readily resolvable at the local level.

b. Commanding Officers of NLSOs and TSOs with command authority and responsibility for detachments or branch offices shall delineate and assign, in writing, the mission, functions and tasks for such detachments or branch offices in a format consistent with this instruction. These mission, function and task directives shall be submitted to Commander, Naval Legal Service Command, for approval prior to promulgation.



C. M. LEGRAND

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NAVAL LEGAL SERVICE OFFICES (NLSOs) AND TRIAL SERVICE OFFICES (TSOs), WITH AREA COORDINATORS AND GEOGRAPHIC AREAS OF RESPONSIBILITY

1. NLSO Central

a. Area coordinator: Chief of Naval Education and Training.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) for Alabama; Arkansas; the Pensacola and Panama City areas of Florida (Zip 324-325); Kentucky; Louisiana; Mississippi; Missouri; Tennessee; Texas; that portion of Mexico east of the states of Chihuahua, Durango, Nayarit, Jalisco, and Colima; the Gulf of Mexico west of longitude 87W; and the Central American countries of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama. In addition, provide consolidated claims services in Federal Tort Claims Act (FTCA), Military Claims Act (MCA), and Medical Care Recovery Act (MCRA) for the following areas: all of Florida and the other states listed above, Georgia, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

2. NLSO Europe and Southwest Asia (EURSWA)

a. Area coordinator: Commander in Chief, U.S. Naval Forces, Europe, exercised through Commander Fleet Air, Mediterranean.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) -- except for claims services under the FTCA, MCA, MCRA, and the Foreign Claims Act (FCA) -- for the United Kingdom; Ireland; Europe; the Mediterranean Sea; the African Continent; and the Eurasian Continent and Indian Ocean areas/islands lying west of longitude 60E. Per DODDIR 5515.8[series] (Subj: Single-Service Assignment of Responsibility for Processing of Claims), the Navy has the single service assignment of responsibility for processing claims arising in Bahrain, Iceland, Israel, Italy, Portugal, Tunisia, Greece, Spain, and UAE. NLSO EURSWA may be asked to assist the adjudicating authority in processing various aspects of MCA, MCRA, and FCA claims cases arising in these countries and in its area of responsibility.

3. NLSO Mid-Atlantic

a. Area coordinator: Commander in Chief, U.S. Atlantic Fleet, exercised through Commander, Naval Base, Norfolk, VA.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) for North Carolina, Virginia (less Northern Virginia area (ZIP 220-223)), West Virginia, Azores, Bermuda, Greenland, Iceland, and all Atlantic (excluding the Caribbean Sea and the Gulf of Mexico) and Arctic Ocean areas and islands not otherwise assigned. In addition, provide consolidated claims services in FTCA, MCA, and MCRA for the following areas: all of Virginia and the other states listed above, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Vermont, and the District of Columbia.

4. NLSO North Central

a. Area coordinator: Commander in Chief, U.S. Atlantic Fleet, exercised through Commandant, Naval District Washington, D.C.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) -- except for claims services under the FTCA, MCRA, and MCA -- for Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, the Northern Virginia area (Zip 220-223), Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and Canada (provinces of Manitoba, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan only).

5. NLSO Northwest

a. Area coordinator: Commander in Chief, U.S. Pacific Fleet, exercised through Commander, Naval Base, Seattle, WA.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) -- except for claims services under the FTCA, MCRA, and MCA -- for Alaska, Idaho, Montana, Oregon, Washington, Wyoming, Canada (provinces of British Columbia, Alberta, and Yukon only), and Pacific and Arctic Ocean areas and islands north of latitude 45N and between longitude 120W and the International Date Line.

6. NLSO Pacific

a. Area coordinator: Commander in Chief, U.S. Pacific Fleet, exercised through Commander, U.S. Naval Forces, Japan.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) -- except for claims services under the FTCA, MCRA, MCA, and FCA -- for Antarctica; Australia; and all Arctic, Indian, and Pacific Ocean areas and islands and the Eurasian Continent east of longitude 60E and west of the International Date Line (when north of latitude 45N) and longitude 135W (when south of latitude 45N). NLSO Pacific may be asked to assist the adjudicating authority in processing various aspects of MCA, FCA, and MCRA claims cases arising in its area of responsibility (except for Guam and Hawaii, which will be adjudicated by NLSO Southwest).

7. NLSO Southeast

a. Area coordinator: Commander in Chief, U.S. Atlantic Fleet, exercised through Commander, Sea Based ASW Wings Atlantic.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) -- except claims services under the FTCA, MCRA, and MCA -- for Florida (less Pensacola/Panama City area (Zip 324-325)), Georgia, South Carolina, the Gulf of Mexico east of longitude 87W, Cuba, the Caribbean Sea, the islands of the West Indies (i.e., Greater Antilles, Lesser Antilles, and the Bahamas), and South America.

8. NLSO Southwest

a. Area coordinator: Commander in Chief, U.S. Pacific Fleet, exercised through Commander, Naval Base, San Diego, CA.

b. NLSO geographic area of responsibility: Provide legal services described in enclosure (2) for Arizona; California; Colorado; Kansas; Nevada; New Mexico; Oklahoma; Utah; 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. In addition, provide consolidated claims services in FTCA, MCA, and MCRA for the following areas: the states listed above, Alaska, Guam, Hawaii, Idaho, Montana, Oregon, Washington, Wyoming, and Pacific and Arctic Ocean areas and islands north of latitude 45W and between longitude 120W and the International Date Line.

9. TSO East

a. Area coordinator: Commander in Chief, U.S. Atlantic Fleet, exercised through Commander, Naval Base, Norfolk, VA.

b. TSO geographic area of responsibility: Provide legal services described in enclosure (3) for Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, Azores, Bermuda, Canada (provinces of Manitoba, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Ontario, Prince Edward Island, Quebec, and Saskatchewan only), Greenland, Iceland, and all Atlantic (excluding the Caribbean Sea and the Gulf of Mexico) and Arctic Ocean areas and islands not otherwise assigned.

10. TSO Europe and Southwest Asia (EURSWA)

a. Area coordinator: Commander in Chief, U.S. Naval Forces, Europe, exercised through Commander Fleet Air, Mediterranean.

b. TSO geographic area of responsibility: Provide legal services described in enclosure (3) for the United Kingdom; Ireland; Europe; the Mediterranean Sea; the African Continent; and the Eurasian Continent and Indian Ocean areas/islands lying west of longitude 60E.

11. TSO Pacific

a. Area coordinator: Commander in Chief, U.S. Pacific Fleet, exercised through Commander, Naval Base, Pearl Harbor, HI.

b. TSO geographic area of responsibility: Provide legal services described in enclosure (3) for Antarctica; Australia; and all Arctic, Indian, and Pacific Ocean areas and islands and the Eurasian Continent east of longitude 60E and west of the International Date Line, when north of latitude 45N, and longitude 135W, when south of latitude 45N.

12. TSO Southeast

a. Area coordinator: Commander in Chief, U.S. Atlantic Fleet, exercised through Commander, Sea Based ASW Wings, Atlantic.

b. TSO geographic area of responsibility: Provide legal services described in enclosure (3) for Alabama; Arkansas; Florida; Georgia; Kentucky; Louisiana; Mississippi; Missouri; South Carolina; Tennessee; Texas; that portion of Mexico east of the states of Chihuahua, Durango, Nayarit, Jalisco, and Colima; the Gulf of Mexico; the Central American countries of Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama; Cuba, the Caribbean Sea, and the islands of the West Indies (i.e., Greater Antilles, Lesser Antilles, and the Bahamas); and South America.

13. TSO West

a. Area coordinator: Commander in Chief, U.S. Pacific Fleet, exercised through Commander, Naval Base, San Diego, CA.

b. TSO geographic area of responsibility: Provide legal services described in enclosure (3) for Alaska; Arizona; California; Colorado; Idaho; Kansas; Montana; Nevada; New Mexico; Oklahoma; Oregon; Utah; Washington, Wyoming, Canada (provinces of British Columbia, Alberta, and Yukon only); that portion of Mexico including and west of the states of Chihuahua, Durango, Nayarit, Jalisco, and Colima; and Pacific Ocean areas and islands east of the International Date Line, when north of latitude 45N, and longitude 135W, when south of latitude 45N; Ecuador; Peru; and Chile.

FUNCTIONS ASSIGNED TO NAVAL LEGAL SERVICE OFFICES

Functions

a. Each Naval Legal Service Office (NLSO) will establish an aggressive outreach program to meet service member legal assistance and claims needs. In order to resolve these needs before scheduled deployments, NLSOs will coordinate with line commands and the local TSO to ensure efficient processing.

b. All NLSOs will perform the functions and provide the services indicated below:

<u>Function</u>	<u>Service Provided or Required</u>
1. <u>General Courts-Martial</u>	
Conducting Art. 32 investigation. MCM 1984, RCM 405.	Provide judge advocates as defense counsel.
Conducting trial and submitting posttrial matters. MCM 1984, RCM Chapters V, VIII-XII.	Provide defense counsel.
2. <u>Special Courts-Martial</u>	
Conducting trial and submitting posttrial matters. MCM 1984, RCM Chapters V, VIII-XII.	Provide defense counsel.
3. <u>Summary Courts-Martial</u>	
Conducting trial. MCM 1984, RCM Chapter XIII.	Provide a defense counsel as needed.
4. <u>Nonjudicial Punishment</u>	
Preliminary processing.	Provide advice to accused as needed.

Function

Service Provided or Required

5. JAG Manual Investigations

Conducting investigation.

Provide counsel for parties for formal investigations and courts of inquiry.

6. Claims

Assist claimant.

Provide forms and instructions.

Appointment of investigating officer.

Advise and assist as needed.

Conducting investigation.

Advise as needed.

Review or adjudication of claim.

Conduct review, adjudicate if within authority, and forward record as appropriate.

Litigation reports and memoranda of law.

Prepare and forward to OJAG or cognizant U.S. Attorney, as requested.

Appeal/reconsideration of claim.

Decide or forward with recommendation and supporting documentation, as appropriate.

7. Legal Assistance

Providing legal assistance to active duty personnel, their dependents, and retirees as resources permit.

Provide legal assistance to all eligible people in the NLSO's geographic area. Visit outlying commands for the purpose of providing legal assistance on a regularly scheduled basis.

8. Admiralty Case

All functions.

Advise as needed.

<u>Function</u>	<u>Service Provided or Required</u>
9. <u>Administrative Boards</u> Provide counsel and legal advisor.	Provide counsel for respondent as required.
10. <u>Physical Evaluation Boards</u> Provide counsel.	Provide counsel for evaluatees; provide counsel for boards as needed.

c. The mission of NLSOs of providing comprehensive legal services dictates that those services be provided in the most efficient and expeditious manner under the attendant circumstances. In the case of deployed units and outlying activities, the use of mobile JAG trial teams (MOJAGs) to provide legal services on site often represents the optimum method of rendering comprehensive and responsive legal services. Accordingly, each NLSO will perform the functions and provide the services indicated above on site to deployed units and outlying activities within its assigned geographic area of responsibility, upon request. This will be accomplished by use of mobile JAG trial teams, or by any other mutually satisfactory method under the attendant circumstances.

FUNCTIONS ASSIGNED TO TRIAL SERVICE OFFICES

Functions

a. Each Trial Service Office (TSO) will establish an aggressive command liaison program and will maintain an active and continuing dialogue with commands and activities located within the assigned geographic area of responsibility to ensure all naval commands are provided with complete, timely, and responsive legal services.

b. All TSOs will perform the functions and provide the services indicated below:

<u>Function</u>	<u>Service Provided or Required</u>
1. <u>General Courts-Martial</u>	
Preliminary processing (preliminary inquiry, drafting charges, reference to Art. 32 investigation). MCM 1984, RCMS 301-308.	Advise local commands, assist in drafting charges, review of preliminary inquiry.
Conducting Art. 32 investigation. MCM 1984, RCM 405.	Arrange for appropriately qualified officer to serve as investigating officer or counsel for the investigation, as appropriate. See paragraph 1001 of reference (a).
Forwarding charges. MCM 1984, RCMS 401-407.	Advise commands.
Referral of charges. MCM 1984, RCMS 601-604.	Advise commands.
Pretrial matters. MCM 1984, RCMS 701-707.	Advise and assist local commands prepare for trial.
Conducting trial and preparing record. MCM 1984, RCM Chapters V, VIII, IX and X, and RCM 1103.	Arrange for military judge; provide trial counsel and reporter; handle all aspects of conduct of trial; prepare and authenticate record.

Function

Service Provided or Required

Review of record for convening authority. MCM 1984, RCM 1112.	Advise and assist as needed.
Promulgating orders and post-trial actions. MCM 1984, RCM Chapters XI and XII.	Advise and assist as needed.
2. <u>Special Courts-Martial</u>	
Preliminary processing (preliminary inquiry, drafting charges). MCM 1984, RCMS 301-308.	Advise and assist in drafting charges, review preliminary inquiry.
Forwarding, and referral, of charges. MCM 1984, RCMS 401-407 and 601-604.	Advise and assist as needed.
Conducting trial and preparing record. MCM 1984, RCM Chapters V, VIII, IX and X, and RCM 1103.	Arrange for military judge; provide trial counsel and reporter; handle all aspects of conduct of trial, prepare and authenticate record.
Convening authority action and promulgating orders. MCM 1984, RCMS 1107-1109 and 1114.	Advise commands and assist in preparation of convening authority's action.
Judge advocate review. MCM 1984, RCM 1112.	Advise and assist as needed.
Post-trial legal matters. MCM 1984, RCM Chapters XI and XII.	Advise and assist as needed.
3. <u>Summary Courts-Martial</u>	
Preliminary processing (preliminary inquiry, drafting charges).	Advise commands, assist in drafting charges, review of

Function

Service Provided or Required

MCM 1984, RCMS 301-308
and 1302.

preliminary inquiry, if any.

Referral of charges to
trial. MCM 1984, RCMS
601-604.

Advise and assist as needed.

Conducting trial and
preparing record.
MCM 1984, RCMS 1301(e)
and 1303-1305.

Advise SCMO; provide
convening authority a SCMO
as needed.

Convening authority
action and promul-
gating orders, review and
other post-trial matters.
MCM 1984, RCM 1306.

Advise and assist as needed.

4. Nonjudicial Punishment

Preliminary processing
(preliminary inquiry,
preparation for mast).
MCM 1984, RCM 301, 303,
306-308, and Part V, and
JAGMAN §§ 0106-0119.

Advise and assist as needed.

Conducting mast hearing.
MCM 1984, Part V.

Advise and assist as needed.

Preparation of letters
of censure. JAGMAN §§
0105 and 0114

Advise and assist as needed.

Preparation of cases for
forwarding on appeal.
MCM 1984, Part V and
JAGMAN §§ 0116-0118.

Advise and assist as needed.

Acting on appeal. MCM
1984, Part V and JAGMAN
§§ 0116-0118.

Advise and assist as needed.

<u>Function</u>	<u>Service Provided or Required</u>
5. <u>JAG Manual Investigations</u>	
Appointment of investigating officer(s) or court of inquiry.	Advise and assist as needed.
Conducting investigation.	Advise investigating officer; provide counsel for board and recorder as needed, for formal investigations and courts of inquiry.
Preparing report, and, if required, record of proceedings.	Advise and assist; supervise preparation of record.
Review and action by convening authority and reviewing authority.	Advise and assist as needed.
6. <u>Administrative Boards</u>	
Provide counsel and legal advisor.	Advise command as needed. Provide legal advisor.
7. <u>Foreign Criminal Jurisdiction</u>	
Advice and assistance to commands having foreign criminal jurisdiction responsibility.	Advise and assist as needed.
8. <u>Miscellaneous Legal Problems of Command</u>	
Advice and assistance to commands in administrative law matters such as contract, labor law, environmental law, health law, standards of conduct, post-government employment, etc.	Advise and assist as needed.

c. The mission of TSOs of providing comprehensive legal services dictates that those services be provided in the most efficient and expeditious manner under the attendant

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circumstances. In the case of deployed units and outlying activities, the use of mobile JAG trial teams (MOJAGs) to provide legal services on site often represents the optimum method of rendering comprehensive and responsive legal services. Accordingly, each TSO will perform the functions and provide the services indicated above on site to deployed units and outlying activities within its assigned geographic area of responsibility, upon request. This will be accomplished by use of mobile JAG trial teams, or by any other mutually satisfactory method under the attendant circumstances.