



DEPARTMENT OF THE ARMY  
U.S. ARMY TRIAL DEFENSE SERVICE  
FORT RUCKER FIELD OFFICE  
5700 NOVOSEL STREET, ROOM 229  
FORT RUCKER, AL 36362-5105

ATZQ-JA-TDS

28 April 2021

MEMORANDUM FOR Office of the Staff Judge Advocate and All Commanders, Fort Rucker, Alabama, 36362

SUBJECT: Trial Defense Service Client and Office Procedures under COVID-19 Guidance

1. In accordance with Centers for Disease Control, Army-wide Trial Defense Service, and Department of Defense guidance, Fort Rucker Trial Defense Service will respect social distancing of six feet between clients, escorts, and Trial Defense Service personnel. This will ensure the health and safety of all personnel and the continued operations of Trial Defense Service. To that end, Trial Defense Service (TDS) will operate under the following modifications **beginning 4 May 2021**.
2. Fort Rucker Trial Defense Service will begin to hold in-person consultation with clients, subject to the preference of the Soldier facing the action, **by appointment** in the following actions:
  - a. Courts-martial Clients (Summary, Special and General Courts-Martial);
  - b. **Board-eligible** Soldiers facing Administrative Separation (“chapter”) and Boards of Inquiry; and
  - c. Article 15, UCMJ, Turn Down Clients.
3. Soldiers may elect to have an in-person consultation, **by appointment**, with respect to the following actions:
  - a. Article 15, UCMJ, Elimination, and Administrative Separation not addressed in paragraph 2.
  - b. Suspect Rights;
3. Responsibilities of the Soldier’s Unit for both in-person and virtual/telephonic consultations.
  - a. Each unit is still responsible for ensuring their Soldiers view the appropriate video prior to consulting with an attorney. The videos are available through each unit paralegal and posted to the Fort Rucker public website for TDS at the following link: **<https://home.army.mil/rucker/index.php/units-tenants/tenants/tds>**. Soldiers can review the video wherever the commander deems appropriate, so long as the Soldier

can view the ENTIRE video in an area that is free from distraction. At the time the Soldier views the video, the Soldier must have a complete copy of the action file in front of him or her.

(1) TDS will not consult with Soldiers until they have been given a copy of their file and have viewed the entire video.

(2) Viewing the applicable video does not substitute for a Soldier's right to seek legal counsel, nor does it satisfy the right to counsel contained in AR 27-10, para 3-18c; AR 635-200, paras 1-18c(3)(a), 2- 2c(1), 2-4b, and 2-4c; and other regulatory and legal requirements.

b. After the Soldier has viewed the video, the unit paralegal will send a copy of the Soldier's case file, including a good contact number for the Soldier, to: **usarmy.rucker.avncoe.list.alabama-trial-defense-service@mail.mil**. Contact numbers can be any number at which the Soldier may be readily reached, including the Soldier's personal electronic device, a unit duty phone, or a drill sergeant's personal electronic device.

(1) Virtual/telephonic appointments: Regardless of the source of the phone number, the Soldier must be standing by to receive or make a call regarding his/her appointment after the packet has been sent to TDS. Files should be sent via Military Justice Online (MJO), DoD SAFE, or encrypted military email. If sent through MJO, unit paralegals must notify the **Trial Defense Services Paralegals** that they uploaded a new case to ensure there is no delay in consulting with the Soldier. The Soldier **must** have a physical copy of his/her packet with them for the virtual consultation. Soldiers do not receive the benefit of consultation with counsel without having access to the evidence against them during his/her appointment.

(2) In-person consultations: TDS will be open to in-person consultation, **by appointment**. Once the TDS paralegals receive the client card requesting an in-person consultation and packet they will schedule the Soldier for an appointment at the TDS Office. These appointment will be given in hour blocks allowing for a maximum of two (2) clients in the waiting room at a time. This is to ensure that all persons are appropriately distanced based on the size of the TDS waiting area.

(a) In-person clients will need to have a hard copy of his/her packet when arriving at TDS. This is in addition to the electronic packet already sent to TDS when requesting an appointment (not in lieu of).

(b) No escorts will be permitted to wait in the waiting area. This measure is imposed to ensure maximum number of clients are seen while protecting the health and safety of all persons in the TDS office. Seating for escorts is available along the shared hallway with G-1. Escorts will also be permitted to wait outdoors or in the parking area.

ATZQ-JA-TDS

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Guidance

3. Likewise, “walk-in”, ad hoc rights advisements and appointments for all other matters will occur telephonically unless specifically requested by the Soldier and directed by the servicing attorney (via TDS paralegal(s) arranging for an appointment). “Walk-in” hours are not permitted for initiated Article 15s or administrative separations. Soldiers who have individual, military justice defense and rights-related questions, can **contact TDS at (334) 255-3919 between 0900 and 1700 weekdays**. As we only have one line to receive calls, we ask for patience. Multiple calls may be required to reach us for “walk-in” rights advisements.

4. Should an in-person consultation occur, the detailed attorney will ensure respect for the six-foot social distance in their respective spaces, use plastic screening, and all participants will wear a mask.

5. This policy will remain in effect until CDC and DoD guidance allow us to modify these procedures. Thank you for your assistance, understanding, and commitment to the wellbeing of all Soldiers!

TODD J. ROSE  
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Chief, Trial Defense Services