



# TORII LEGAL ASSISTANCE

OFFICE OF THE STAFF JUDGE ADVOCATE



## CONFIDENTIAL ATTENDANCE POLICY

BY: RUDY WARTELLA

It is widely known that Soldiers, Department of the Army Civilians, and Family Members receive confidential legal advice from our Legal Assistance Office. Many do not know that our office also has a confidential appointment policy. Consequently, leaders, spouses, or others calling our office to verify whether a client visited our office (or kept an appointment) may not like the answer they receive.

Although it does not come up often on Okinawa, this issue does arise. There is some debate, even within the legal community, about whether or not we should confirm to the command (or inform anyone) that a client or potential client actually visited our office. While some military offices view this as a "mere accountability matter," our office views it as confidential client information. While attorneys debate whether revealing the client's presence (or failure to appear at a previously scheduled appointment) is confidential, our view is that revealing this information is a violation of the Professional Rules of Responsibility and may harm the client who will be less likely to trust us and may harm other potential clients who may not trust us in the future.

Our office is a client-service office and we treat it as such. We maintain the confidentiality of our clients. Commanders or NCOs that want to maintain accountability over a Soldier may send an escort with the Soldier. Of course, the escort cannot sit-in on the confidential meeting with the attorney, but the escort can ensure that a Soldier is where he or she is supposed to be. This is a practice routinely followed for Soldiers sent to appointments with the Trial Defense Service.