

MILPERSMAN 1910-504

RIGHT TO COUNSEL

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4433
			COM	(901) 874-4433
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1. Counsel for the Respondent

a. The convening authority (CA) shall assign a qualified counsel, or may appoint qualified counsel of the member's own choice. If reasonably available, the member's choice of qualified counsel is assigned duties as defense counsel at the servicing command.

b. Unless otherwise directed, appointment of a qualified counsel of member's own choice relieves the previously assigned counsel. If the member so requests in writing and if the interest of fair procedure so requires, the CA may continue the previously assigned counsel in representing the member. Approval is within the sole discretion of the CA and that decision is final.

c. The CA may appoint nonlawyer counsel to represent the member at an administrative board if the member expressly declines appointment of qualified counsel and requests a specific nonlawyer counsel, or the CA assigns nonlawyer counsel as assistant counsel.

d. The CA shall allow the member to be represented by civilian counsel, all at the member's expense if such representation does not delay orderly processing.

NOTE: The member's use of civilian counsel does not eliminate the requirement to furnish qualified counsel or nonlawyer counsel as appropriate. Appointed military counsel is not relieved until expressly stated by respondent in writing.