

SCOPE OF LEGAL ASSISTANCE

The full scope of the Legal Assistance Program is discussed in AFI 51-504 which is included with this guidebook at Appendix A. The following are general highlights of that instruction.

- A. **Mission related Legal Assistance** *10 U.S.C. § 1044*
- Wills, living wills, powers of attorney, notary services
 - Servicemembers' Civil Relief Act (SCRA)
 - Veterans' reemployment rights
 - Casualty affairs
 - Landlord-Tenant and Lease issues
 - Involuntary allotment issues
 - Issues that the SJA determines would be adverse to the command if not addressed
 - Consumer Affairs
 - Taxes
 - Domestic Relations
 - Financial Responsibility
 - Adoption
 - Dependent Care Issues
 - Advance Medical Directives
- B. **Actions outside the Scope of Legal Assistance**
- Advice related to Service members' personal commercial enterprises (unless related to SCRA)
 - Criminal defense and related issues
 - Joint Ethics Regulation issues
 - Law of Armed Conflict issues
 - Official matters in which the Air Force has an interest
 - Legal Issues raised on behalf of another
 - Representation before a court or administrative proceeding
 - Drafting or reviewing:
 - Real estate sales or closing documents
 - Note: This limitation does not preclude a general review to identify potential problems for which the client may require more expert assistance or to protect a client from signing an unconscionable agreement.
 - Separation agreements or divorce decrees
 - Inter vivos trusts
 - Exceptions: SJA, Deputy SJA, or Chief Legal Assistance Attorney authorization
- C. **Referrals: Legal Assistance attorneys should refer the following**
- Civilian attorney if already retained
 - If a legal assistance attorney discovers that a client has already entered into an attorney/client relationship with a civilian attorney, he or she should immediately terminate the counseling session and refer the client to the civilian attorney already retained.
 - All criminal matters

- Special expertise is required that is outside the scope of Legal Assistance
- Appearance before a legal forum or other agency is involved
- UCMJ or Air Force Administrative action—refer to Appropriate Military Defense Counsel
- Court Martial Charges or other Disciplinary Action-Appropriate Military Defense Council Shall Refer to SJA
- Charges Before a Foreign Court-Refer to Military Legal Advisor