

**VOLUME 5**

**“MARINE CORPS LEGAL ASSISTANCE PROGRAM”**

**SUMMARY OF VOLUME 5 CHANGES**

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by **blue font** (left header) will reflect the date this Volume was last updated.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

<b>VOLUME VERSION</b>	<b>SUMMARY OF CHANGE</b>	<b>ORIGINATION DATE</b>	<b>DATE OF CHANGES</b>
ORIGINAL VOLUME	N/A	DD MMM YYYY	N/A

Submit recommended changes to this Volume, via the proper channels, to:

CMC (JA)  
 3000 Marine Corps Pentagon  
 Washington, DC 20350-3000

(This page intentionally left blank)

VOLUME 5: MARINE CORPS LEGAL ASSISTANCE PROGRAM

TABLE OF CONTENTS

**REFERENCES.....REF-1**

0101 PURPOSE .....1-3

0102 AUTHORITY FOR MARINE CORPS LEGAL ASSISTANCE PROGRAM .....1-3

0103 APPLICABILITY .....1-4

0104 RESPONSIBILITIES .....1-4

0105 ELIGIBLE CLIENTS .....1-6

0106 SCOPE OF SERVICES .....1-8

0107 ATTORNEY-CLIENT RELATIONSHIP.....1-9

0108 CONFIDENTIALITY.....1-10

0109 PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION .....1-10

0110 ELECTRONIC COMMUNICATIONS.....1-11

0111 LIMITATIONS ON LEGAL ASSISTANCE SERVICES .....1-12

0112 EXPANDED LEGAL ASSISTANCE PROGRAM AND EXCEPTIONAL FAMILY MEMBER COUNSEL PROGRAM .....1-15

0113 CLIENT REFERRALS.....1-15

0114 VOLUNTEER SERVICES.....1-15

0115 NOTARIZATIONS .....1-17

0116 WILLS, TRUSTS, AND ESTATE PLANNING.....1-17

0117 CONSUMER PROTECTION AND THE SCRA.....1-17

0118 DOMESTIC RELATIONS AND FAMILY LAW .....1-17

0119 IMMIGRATION AND NATURALIZATION SERVICES .....1-18

0120 INCOME TAX PREPARATION AND FILING ASSISTANCE .....1-19

0121 PREVENTATIVE LAW PROGRAMS, UNIT BRIEFS, AND SUICIDE AWARENESS OFFICE PROCEDURES.....1-19

## REFERENCES

- (a) SECNAVINST 5430.7R
- (b) SECNAVINST 5430.27D
- (c) SECNAVINST 5430.25E
- (d) 10 U.S.C. §§ 806, 1044, 1044e, 1059, 1072, 1565b, 1588, and 5046
- (e) MCO 5430.2
- (f) JAGINST 5803.1E
- (g) Manual for Courts-Martial, (2016 ed.)
- (h) U.S. Navy Regulations, (1990)
- (i) MCO 5800.14
- (j) MCO 1001.62A
- (k) MCO 1200.18
- (l) JAGINST 5803.2B
- (m) SECNAVINST 1920.6C
- (n) Uniform Code of Military Justice, (2016)
- (o) MCO 1610.7
- (p) MCO 1300.8
- (q) MCO 1000.6
- (r) JAGINST 5800.7F
- (s) SECNAVINST 5211.5E
- (t) 5 U.S.C. §§ 101, 552a, and 3111
- (u) JAGINST 5801.2
- (v) 37 U.S.C. §§ 601-604
- (w) 38 U.S.C. §§ 4301-4334
- (x) DoD Instruction 1205.12
- (y) 31 U.S.C. § 1342
- (z) DoD Instruction 1100.21
- (aa) 8 U.S.C. § 1400
- (bb) Executive Order 13269, (July 3, 2002)
- (cc) DoD Directive 2311.01E
- (dd) MCO 3300.4A
- (ee) DoD Directive 2310.01E
- (ff) DoD Directive 5146.13
- (gg) Executive Order 12333, (December 4, 1981)
- (hh) DoD Directive 5240.01
- (ii) DoD 5240.1-R
- (jj) DoD Instruction 3025.21
- (kk) DoD Instruction 5525.03
- (ll) SECNAVINST 5710.25B
- (mm) 1 U.S.C. § 112b
- (nn) 22 CFR Part 181
- (oo) DoD Directive 5530.3
- (pp) DoD 5500.07-R
- (qq) 18 U.S.C. § 202
- (rr) 5 C.F.R. § 2634

**“REFERENCES”**

As changes are made within this MCO Volume, the References list will also update.  
Annotation of each update/change/addition to the References list is required.

The original publication date this MCO (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by **blue font** (left header) will reflect the date these References were last updated as changes/revisions are made within this MCO.

**VOLUME 5**

**“MARINE CORPS LEGAL ASSISTANCE PROGRAM”**

**SUMMARY OF SUBSTANTIVE CHANGES**

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

(This page intentionally left blank)

**MARINE CORPS LEGAL ASSISTANCE PROGRAM**

## 0101 PURPOSE

This Volume promulgates policy, prescribes standardized procedures, and assigns responsibilities for the Marine Corps Legal Assistance Program (MCLAP) in order to promote increased mission readiness and enhance the morale and quality of life for military personnel, dependents, and other eligible clients by providing timely and quality legal advice and services concerning their personal civil legal affairs. This Volume is supplemented with the MCLAP Policy and Practice Manual published by Judge Advocate Division (JAD), Legal Assistance Branch (JLA).

## 0102 AUTHORITY FOR MARINE CORPS LEGAL ASSISTANCE PROGRAM (MCLAP)

010201. Statutory Authority

10 U.S.C. § 1044 authorizes the Service Secretaries to provide legal assistance to eligible persons in connection with their personal civil legal affairs and places responsibility with the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) to establish and supervise the Marine Corps Legal Assistance Program (MCLAP) under regulations issued by the Secretary of the Navy.

010202. Implementation

The policy and guidance in this Volume implement the Department of the Navy (DON) legal assistance program policy contained in JAGINST 5800.7F, Manual of the Judge Advocate General (JAGMAN). The JAGMAN, Chapter VII, provides policy regarding persons authorized to provide legal assistance services, categories of eligible clients, the attorney-client relationship and confidentiality, scope of legal assistance services, specific types of services that are not authorized, referrals and fees, and the Expanded Legal Assistance Program (ELAP). The JAGMAN, Chapter IX, provides policy and procedures for performing notarial acts. Pertinent provisions in the JAGMAN are restated in this Volume only to the extent necessary for clarity, emphasis, elaboration, or convenience of reference.

010203. Organization

Legal Assistance (LA) office organization under the Legal Services Support Section (LSSS)/Legal Services Support Team (LSST) construct.

A. Remote Support

In addition to providing legal assistance services at their own locations, the LSSTs support Yuma, MCRD San Diego, Barstow, New River, Albany, Beaufort, and Iwakuni. The LSSS National Capital Region (NCR)/MFR coordinates legal assistance support to active duty Marines at Marine Forces Reserve (MFR), New Orleans.

B. LA Offices

Twelve (12) separate LA offices were established under the LSSTs and located at: (1) Camp Pendleton, (2) Miramar, (3) Yuma, (4) MCRD San Diego, (5) Twentynine Palms, (6) Camp Lejeune, (7) Cherry Point, (8) MCRD Parris Island, (9) Hawaii (Kaneohe Bay), (10) Okinawa (11) Iwakuni, and (12) Quantico. Barstow, New River, Albany, and Beaufort do not have LA offices. The



Twentynine Palms LA office supports Barstow; the Camp Lejeune LA office supports New River; the MCRD Parris Island LA office supports Albany and Beaufort. To the maximum extent practicable considering available resources, the supporting LSST LA office shall provide LA services to eligible clients at supported installations comparable to those services provided to clients at the LSST location. Services may be provided to supported installations through scheduled periodic on-site LA visits and, when determined necessary by the OIC LSST, through alternate forms of communication with clients such as VTC and telephone, taking appropriate steps to verify identity and eligibility.

C. Supervision of Remote Offices

1. OIC, LSST Miramar supervises the LA offices at MCRD San Diego and Yuma.
2. OIC, LSST Okinawa supervises the LA office at Iwakuni.

### 0103 APPLICABILITY

The legal assistance policy and procedures contained in this Volume apply to all military and civilian attorneys, paralegals, clerks, and any other personnel who supervise and/or work within the MCLAP; Reserve judge advocates who, while performing official DON duties, provide legal assistance services to eligible persons under the authority of 10 U.S.C. § 1044; judge advocates (JAs) providing legal assistance in a deployment environment; and other JAs providing limited legal assistance services as part of SJA command advice services (i.e. notarizations/powers of attorney).

010301. Deviation

Legal assistance providers may request deviation from the provisions in this Volume by submitting justification through their respective OIC to JAD (JLA).

010302. Personnel Assigned to the Navy

Marine Corps personnel assigned to work in Navy Legal Assistance Offices are subject to JAGINST 5801.2, Navy Legal Assistance Program Manual, which is not applicable to the MCLAP.

### 0104 RESPONSIBILITIES

010401. Legal Assistance Branch

JLA, Judge Advocate Division (JAD), Headquarters Marine Corps, is responsible for MCLAP policy development, implementation and oversight, and assisting and advising the SJA to CMC on all legal assistance policies, procedures, and related matters, including inspecting the effectiveness of the MCLAP. JLA is responsible for developing and promulgating standardized forms, worksheets, and uniform procedures that will be posted on the JLA website and used by LA offices. JLA is authorized to issue periodic authoritative policy letters and practice advisories to update and clarify policy and guidance contained in this Volume. JLA is the Program Manager for the Immigration and Naturalization Program and the Volunteer Income Tax Assistance (VITA) Program. JLA provides a representative to the Department of Defense (DoD) Armed Forces Tax Council (AFTC) and acts as the Marine Corps Liaison to the ABA Legal Assistance for Military Personnel Committee. JLA is the Marine Corps Liaison for the DON Disability Evaluation System (DES) Counsel Program. JLA coordinates with other-Service Heads of Legal Assistance, DoD, and other federal agencies on issues of mutual concern, to include proposed

legislation, Department of Justice enforcement of service member rights, immigration and naturalization, and Service-wide legal issues directly affecting military members and their families.

010402. Deputy Director, Reserve Legal Support Branch

The Deputy Director, Reserve Legal Support Branch is responsible for coordinating with JLA on matters concerning Reserve LA support services.

010403. Regional Legal Assistance Directors

Regional Legal Assistance Directors (RLADs), LSSSs are responsible for providing general expertise and professional guidance to LA offices in their respective LSSS region; assisting and advising OICs, LSSSs on legal assistance matters; directly supervising Exceptional Family Member (EFM) legal assistance counsel; acting as the reach-back legal assistance subject matter expert for JAs in deployment environments, and coordinating policy matters with JLA. Resolving conflict of interest cases within the LSSS region, to include those involving supervisory attorneys, is addressed elsewhere in this Volume. Prior to the LA Office Head leaving the position, the RLAD shall review the LA Office Head's turnover binder to help ensure the incoming replacement is prepared to execute his or her responsibilities.

010404. LA Office Head

The LA Office Head is responsible for direct LA office management and supervision of office personnel. The LA Office Head shall ensure LA office personnel have access to and routinely check the secure JLA website, adhere to the LA office SOP, use JLA-approved worksheets and forms, and are proficient in using office software for case management, estate planning, and domestic relations. The LA Office Head shall ensure all personnel and office volunteers understand client confidentiality and Personally Identifiable Information (PII) safeguarding requirements. The LA Office Head shall routinely review the work product of personnel under his or her supervision and provide them with additional training as needed. The LA Office Head shall use standardized check-in procedures for incoming LA personnel. The LA Office Head is responsible for developing and maintaining a comprehensive turnover binder for his or her replacement. At least thirty (30) days prior to leaving the LA position, the LA Office Head shall provide a copy of the turnover binder to the RLAD for review.

010405. LA Attorneys

LA attorneys are responsible for maintaining their professional skills and delivering quality legal assistance services to their clients consistent with the JAGINST 5800.7F, Manual of the Judge Advocate General (JAGMAN), JAGINST 5803.1E, Professional Conduct of Attorneys Practicing Under the Cognizance and Supervision of the Judge Advocate General, this Volume, JLA Policy Letters, the MCLAP Policy and Practice Manual, and other applicable statutes and regulations.

010406. LA Support Personnel

LA support personnel are responsible for maintaining their professional skills and contributing positively toward efficient office management, client interaction, and effective attorney support consistent with the JAGMAN, this Volume, JLA Policy Letters, the MCLAP Policy and Practice Manual, and other applicable statutes and regulations. Although JAGINST 5803.1E does not specifically apply to non-attorneys, it provides the model for acceptable conduct when providing legal services and shall be observed. LA support personnel may assist attorneys, but they may not provide legal advice or provide

services that call for the professional judgement of an attorney. LA support personnel must keep all client matters confidential and safeguard client files from unauthorized access.

#### 0105 ELIGIBLE CLIENTS

Categories of persons eligible to receive LA services pursuant to 10 U.S.C. § 1044 and the JAGMAN are as follows:

##### 010501. Members of the Armed Forces

Members of the Armed Forces on active-duty for 30 days or more. Legal assistance is intended primarily for active-duty personnel, including Reservists and members of the National Guard on active duty for 30 days or more. Legal assistance may be provided to dependents, or the legally appointed fiduciary, of active-duty personnel on behalf of personnel incapacitated or otherwise incapable of seeking such assistance personally, and

##### 010502. Members of Reserve Components

Members of Reserve components following release from active-duty under a call or order to active-duty for more than 30 days issued under a mobilization authority, as determined by the Secretary of Defense, for a period of time that begins on the date of the release and is not less than twice the length of the period served on active-duty under that call or order to active-duty, for legal issues that relate to serious wounds, illnesses, or injuries incurred during the period of mobilization.

##### 010503. Other Categories

As resources permit, LA services may also be provided to the following categories of people in the order listed:

##### A. Dependents of Deceased Personnel

Dependents of active-duty personnel and of personnel who died while on active-duty.

##### B. Retired Members

Retired members who are entitled to military disability compensation or Department of Veterans Affairs compensation or members entitled to retired or retainer pay.

##### C. Dependents of Retired Members

Dependents of retired members and dependents of deceased retired members.

##### D. Reservists

Reservists on active-duty for single periods of 29 days or less and their dependents may be provided LA in emergency cases as determined by the Head, LA office.

##### E. Mobilizing Reservists

For the purpose of enhancing the readiness of Reserve personnel for mobilization, pre-mobilization legal counseling and assistance may be provided to active-duty or inactive Reserve personnel consistent with mobilization readiness needs. Pre-mobilization assistance normally will consist of drafting or updating Wills, Advance Medical Directives, and Powers of Attorney. Other assistance may be provided if it relates to recall or mobilization. Examples of such assistance include advice concerning rights under the Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). Pre-mobilization legal assistance services are not authorized for dependents with the exception of dependents of Reserve personnel with mobilization orders for more than 30 days.

F. Reservists Released from Active-Duty

Members of Reserve components, other than those described above, following release from active-duty under a call or order to active-duty for more than 30 days issued under a mobilization authority, as determined by the Secretary of Defense, for a period of time that begins on the date of the release and is not less than twice the length of the period served on active-duty under that call or order to active-duty.

G. Dependents of Reservists Released from Active-Duty

Dependents of members of the Reserve components listed in subsection (F) above.

H. Department of Defense (DoD) Civilian Personnel

DoD civilian personnel deploying for at least 30 days to a combat zone, in support of a contingency operation, or aboard a naval vessel may be provided pre-deployment LA services. LA may also be provided to dependents of these civilian personnel, both before and during deployment, on deployment-related matters. All services are to be provided within current means and capabilities. Additionally, LA services are authorized to be provided to civilian personnel and their dependents for a reasonable period, but not to exceed 30 days, after he or she returns from deployment to close out ongoing LA matters related to deployment that arose before or during deployment.

I. Department of Defense (DoD) Civilian Personnel who are U. S. Citizens

DoD civilian personnel who are U. S. citizens, other than local hire employees, employed by, serving with, or accompanying the Armed Forces of the United States, when they are assigned to a foreign country or to a vessel or unit of the Armed Forces of the United States deployed in excess of 30 days. Dependents who accompany DoD civilian personnel authorized under this subsection are also eligible.

J. Non- Department of Defense (DoD) United States (U.S.) Government

Employees

Non-DoD U.S. Government employees who are U.S. citizens and not contractors, serving in locations in a foreign country or on a vessel of the Armed Forces of the United States, where legal assistance from non-military legal assistance providers is not reasonably available. Such legal assistance is generally limited to ministerial services (for example, notarial services), legal counseling (to include the review and discussion of legal correspondence and documents), legal document preparation (limited to Powers of Attorney and Advance Medical Directives), and help with retaining civilian lawyers.

K. Civilian Contractors

Civilian contractor personnel who are U.S. citizens and are serving with or accompanying U.S. forces in a theater of operations, and produce documentation of an employment contract that requires the U.S. government to provide legal assistance, may be provided with services as addressed in the contract. If the employee's contract does not specify services, services are limited to notarizations and provision of deployment-related Powers of Attorney.

L. Members of Allied Forces

Members of allied forces and their dependents in the United States, serving with the Armed Forces of the United States.

M. 20/20/20 Spouse

A 20/20/20 un-remarried former spouse as defined in 10 U.S.C. § 1072.

N. Victims of Abuse

Spouses, former spouses, and children who are victims of abuse by members losing the right to retired pay under 10 U.S.C. § 1408(h) and dependents of members separated for dependent abuse consistent with the transitional compensation provisions of 10 U.S.C. § 1059.

O. Other

Other persons authorized by the JAG or, for the Marine Corps, the SJA to CMC.

010504. Eligibility Requests

Requests to designate others as eligible for LA services in addition to those persons authorized in the JAGMAN should be addressed to the SJA to CMC (JAD (JLA)) via the OIC, LSSS and include the following information: who is to be assisted, the types of services to be offered, the period for which authorization to provide services is sought, and the reasons why the extension of LA services furthers the mission of the local command and the Marine Corps.

010505. Service Prioritization

The OIC, LSSS may prioritize categories of persons served in LA offices as necessary for mission accomplishment.

## 0106 SCOPE OF SERVICES

MCLAP services are provided subject to availability of legal resources and mission priority. Accordingly, services and/or categories of eligible clients may be restricted from time to time as authorized by the OIC, LSSS or his or her designee. Limiting services may be necessary in situations that include emergent requirements, increased demand for specific services, personnel shortages, limited resources, and lack of requisite expertise to adequately address the requested service. The general order of priority for Department of the Navy LA services is provided below:

010601. Tier I Services

Tier I services are standard legal readiness services/first priority services. Advice or services regarding the following matters are normally available to eligible persons but may be limited due to availability of a qualified attorney or other resources: basic foreclosure advice and counseling; consumer finance issues; demobilization briefings, family law matters; deployment briefings and assistance; disaster relief support/advice; military rights under the SCRA; naturalization and immigration advice and counseling; notary services; powers of attorney advice and drafting; simple estate planning; and tenant advice and counseling.

010602. Tier II Services

Tier II services are second priority services. Advice or services regarding the following matters are normally available to eligible persons but may be limited due to availability of a qualified attorney or other resources: limited adoption advice and counseling; guardianship (conservatorship) of the person advice and counseling; guardianship of the estate advice and counseling, immigration paper-work filing, review, and advice for dependents; small claims court pro se pleadings advice, counseling, and drafting; and service as a temporary guardian to a mentally incompetent Service member for purposes of Department of Defense proceedings conducted under 37 U.S.C. §§ 601-604, and under Bureau of Medicine and Defense Finance and Accounting Service regulations.

010603. Tier III Services

Tier III services are third priority services not normally provided by active duty military legal assistance providers. In rare circumstances where Tier I and Tier II support is fully established, addressed and sustainable, support in the following matters shall only be extended to eligible clients by fully qualified providers with the express permission of the SJA to CMC (Code JA) or his or her designee: Bankruptcy advice and counseling; Drafting of family law/domestic relations documents; and federal and state tax advice and counseling.

010604. Tier IV Services

Tier IV services are the lowest-priority services not normally provided by active duty military legal assistance providers. In rare circumstances where Tier I and Tier II support is fully established, addressed and sustainable, support in the following matters may be balanced against Tier III services and extended to eligible clients by fully qualified providers with the express permission of the SJA to CMC (Code JA) or his or her designee: ELAP cases; obtaining benefits and services under State and Federal disability laws for family members enrolled in the Exceptional Family Member Program; complex estate planning; real estate purchase agreement contract review and explanation of terms; and LA offices may provide additional services not specifically prohibited by regulation if the LA providers are competent to provide such services and they are approved by the SJA to CMC or his or her designee.

## 0107 ATTORNEY-CLIENT RELATIONSHIP

010701. Acknowledgement of Limited Representation

Prior to establishing an attorney-client relationship, LA attorneys must ensure potential clients understand the limited nature of military LA. In order properly to inform clients, the LA office should

provide them with a written “Acknowledgement of Limited Representation” similar to the form posted on the JLA website.

010702. Ongoing Attorney-Client Relationship

An ongoing attorney-client relationship must be respected, and clients returning for a follow-up appointment or with a new question concerning the same or substantially the same legal matter will be directed to the same attorney, unless the client requests a different attorney and the LA Office Head concurs or the original LA attorney is no longer able to provide LA services (e.g., PCS, EAS, duty reassignment, removal from LA duties by competent authority, etc.). With client consent, the LA Office Head will transfer the attorney’s ongoing LA cases to another LA attorney and ensure completed cases are appropriately closed.

010703. Attorney Unavailability

In the event that the original attorney is only temporarily unavailable, a different LA attorney may, with the client's consent and LA Office Head approval, be assigned to handle the immediate issue. However, the original attorney should handle any subsequent follow-up matters with that client and any file created by the substitute attorney should be provided to the original attorney as soon as practicable. In the event the attorney becomes no longer available to provide legal assistance, the attorney's LA cases will be transferred to another LA attorney or completed and closed by the departing attorney. An attorney is not available to perform LA duties when the attorney leaves a LA billet regardless of the reason (i.e., PCS, EAS, duty reassignment, involuntary removal from legal assistance duties by competent authority, etc.). Departing LA attorneys shall not take client files with them from the LA office, but may copy material they think is important to maintain their professional responsibility obligations. For ongoing cases, the LA office shall inform clients of the need to transfer their case to another LA attorney. If a client objects, the LA office will terminate services and provide the client, at his or her request, with referral sources in accordance with this Volume.

0108 CONFIDENTIALITY

After formation of an attorney-client relationship, information concerning a client’s appointments or meetings with a LA attorney or staff member may not be disclosed unless an exception to the attorney-client privilege applies or the client gives informed consent. LA attorneys should be provided with individual private offices with floor-to-ceiling walls to safeguard confidentiality of consultations with clients. In locations where this is not possible (e.g., deployment environments) maximum efforts should be made to ensure client confidentiality. Each LA office must ensure that client records are protected from unauthorized access and disclosure. LA offices and VITA Tax Centers should be accessible after-hours only by authorized LA and Tax Center personnel. Client information may not be stored on shared office drives if that information could be accessible by persons not working within the MCLAP.

0109 PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION (PII)

PII may not be maintained on personal computers, laptops, or devices. PII may only be maintained on DoD owned, contracted or leased assets. LA documents containing client information and PII must be safeguarded, to include client intake forms and worksheets. LA email containing PII must be encrypted. LA worksheets, correspondence, and emails may not contain Social Security Numbers unless required to effectuate services for the client and as otherwise authorized by applicable regulations.

010901. Reserve JA Laptops and PII Security

Reserve JAs providing LA services related to unit mobilization may request government laptop support from JAD (RLS). DL Wills software should be pre-loaded on the laptops. Software used to produce LA documents containing PII, worksheets, and the documents themselves may not be loaded onto personal laptops.

010902. Shared Drives.

Electronic client files and documents containing PII must not be placed on shared drives that are accessible by persons other than those providing LA services.

## 0110 ELECTRONIC COMMUNICATIONS

011001. Government Computers

The DON uses various tools to monitor user activity on government computers and to implement varying levels of capacity and filtering restrictions. Generally speaking, communications using or information stored on DON IT are not private and are subject to routine monitoring, interception, and search; and may be disclosed for any authorized purposes.

011002. LA Communications

JAs providing LA services shall place language substantially as follows after the JA's signature line on all electronic communications:

**ATTORNEY-CLIENT PRIVILEGED COMMUNICATION OR ATTORNEY WORK PRODUCT**

**FOR OFFICIAL USE ONLY:** This e-mail may contain confidential and Privacy Act (5 U.S.C. § 552a) information. Any misuse or unauthorized disclosure may result in both civil and criminal penalties.

Please handle in accordance with the following notices and disclaimer:

**CONFIDENTIALITY NOTICE:** The information contained in or attached to this communication may be legally privileged, confidential, and intended for use only by the individual or entity to which it is transmitted. Any other use of this communication is strictly prohibited. If you have received this communication in error, please notify the sender immediately at the above email or phone number, and delete or destroy this message.

**PERSONAL INFORMATION NOTICE:** Information contained within this document or its attachments may contain personal information, disclosure of which is generally prohibited by the Privacy Act (5 U.S.C. § 552a). Protected information included in this document or its attachments is being communicated in accordance with section (b)1 of the Act which permits disclosure to individuals within the Department of Defense (DoD) with an official need to know. Release of such protected information outside of the DoD is prohibited.

**DISCLAIMER:** Any opinions in this e-mail are the personal legal/administrative opinions of the sender and do not represent an official position of the United States Marine Corps, Department of Defense, or United States Government.

011003. Encryption

Email transmissions containing client information and PII must be digitally signed and encrypted.



## 0111 LIMITATIONS ON LEGAL ASSISTANCE SERVICES

011101. Personal Legal Matters Only

LA is authorized only for personal civil legal affairs. Legal advice and assistance may not be provided regarding criminal matters or commercial business ventures. By way of example, a service member who leases his or her single residence due to a PCS move may obtain assistance regarding the lease of that single personal residence. On the other hand, providing legal advice to a service member regarding multiple leased residences or a business partnership or venture is not of a personal nature.

011102. Non-federal Entities

LA may not be provided to non-federal entities that have been chartered by appropriate authority to function on military installations (e.g., spouses clubs, booster clubs, command fundraising committees, social committees, etc.).

011103. Ethics and Standards of Conduct Matters

LA attorneys may not provide advice concerning government ethics and standards of conduct, to include post-government employment restrictions. Persons seeking such advice should be referred to the appropriate ethics counselor. LA attorneys may conduct general informational briefings during transition assistance programs to Marines retiring or otherwise departing the Marine Corps. The briefing attorney should refer all requests for individual advice to the appropriate ethics counselor. In the event an attorney who provides LA services in an SJA office or deployment environment is also designated as an ethics counselor, refer to the Joint Ethics Regulation.

011104. Employment and Uniformed Services Employment and Reemployment Rights Ac (USERRA) Matters

LA attorneys may not provide advice on civilian employment matters but may provide general information related to the USERRA, 38 U.S.C. §§ 4301-4334. The Employer Support of the Guard and Reserve is the primary DoD office for all matters concerning employer support of the National Guard and Reserve, and serves as the lead proponent for USERRA matters within DoD. DoDI 1205.12, Civilian Employment and Reemployment Rights for Service Members, Former Service Members and Applicants of the Uniformed Services, establishes policy and procedures for informing service members and applicants of the uniformed services of their employment and reemployment rights, benefits, and obligations and provides contact information for government agencies responsible for assisting those persons.

011105. Real Estate

LA attorneys may not draft real estate sale or purchase documents, perform title examinations, issue title opinions, or conduct real estate closings.

011106. Advice and Assistance in Official Military Matters

LA duties are separate and apart from responsibilities of Trial Counsel, Defense Counsel, Victims' Legal Counsel (VLC), and others involved in processing courts-martial, non-judicial punishments, administrative boards or proceedings, and investigations, except as provided below.

A. Disciplinary Matters

Service members accused or suspected of offenses or conduct that may result in disciplinary or judicial proceedings under the Uniform Code of Military Justice (UCMJ) or processing for administrative separation should be referred to the appropriate Defense Services Office (DSO). This does not preclude providing LA advice to service members regarding family support obligations.

B. Missing, Lost, or Stolen Government Property

Marines who are the subject of a command investigation of missing, lost, or stolen government property have the right to legal assistance at various stages of the investigation. If the approving authority intends to hold the Marine liable, the Marine has the right to receive legal advice from the local Legal Assistance Office.

C. Administrative Complaints

LA attorneys may not assist service members in filing complaints under the UCMJ and DON regulations, petitions for relief to the Board of Correction of Naval Records or Naval Discharge Review Board, fitness report or evaluation rebuttals, Request Mast, or other similar administrative complaints. LA attorneys may not assist clients in filing Inspector General (IG) complaints, but LA attorneys may provide general procedural information. All such matters should be referred to the appropriate DSO, VLC office, or DES Counsel.

011107. Proceedings Involving the United States

Title 18, United States Code, prohibits any officer or employee of the government from representing or assisting anyone in any claim or other matter in which the United States is a party or has a direct and substantial interest, other than in the proper discharge of his or her official duties. Accordingly, LA attorneys may not represent or assist an individual in a matter in which the United States has a direct and substantial interest, whether or not the government's position is adverse to that of the individual, except as otherwise authorized by the SJA to CMC.

011108. Advice to Third Parties

The privileged attorney-client relationship requires personal and private communication with the client. LA advice or assistance normally may not be provided through third parties. This prohibition does not bar delivery of substantive advice to court-appointed guardians on behalf of a ward or to an agent on behalf of an incapacitated or disabled principal where the agent is acting under a duly executed Power of Attorney or by court appointment. When command representatives seek information or assistance on behalf of a specific service member, they normally should be advised to have the service member obtain a LA appointment or go to the LA office during walk-in hours.

011109. Telephonic Inquiries

The initial delivery of LA normally should not be provided over the telephone except as otherwise authorized in this Volume.

011110. Representation of Opposing Parties or Interests

When two or more eligible persons with conflicting interests seek advice from the same LA office on the same or substantially the same matter, the party first establishing an attorney-client relationship may be provided with representation. The LA attorney and other LA attorneys in the same LA office may not represent the other conflicted party, except as provided below. The party without the attorney-client relationship may be directed toward other legal resources. LA attorneys are not prohibited from representing both husband and wife in a joint legal matter (e.g., Estate Planning and Will drafting) provided the LA attorney obtains a “Dual Representation Waiver of Conflicts” statement signed by both parties and such representation is not otherwise prohibited.

011111. Supervisory Conflicts of Interest

Supervisors and RLADs may not knowingly provide advice concerning a particular case to both LA attorneys representing opposing parties.

011112. Debt Collection Activity Against Other Service Members and Dependents

LA attorneys and LA personnel may not engage in commercial debt collection activities against service members and/or their dependents on behalf of a client. For purposes of this paragraph, prohibited debt collection activities include, but are not limited to, contacting the alleged debtor’s command or employer, sending demand letters or email, and making telephone calls to the alleged debtor or household members. LA attorneys may, however, advise clients on commercial debt collection options that are legally available to them under State and Federal law.

011113. Discretion to Limit Services

The OIC, LSSS or his or her designee may limit the scope of services delivered by LA offices under his or her authority, as necessary. Limitation of services may be necessary in situations that include emergent requirements, increased demand for specific services, personnel shortages, limited resources, or the unavailability of requisite expertise to adequately address the requested service.

011114. Landlord/Tenant Disputes - Military Housing

LA attorneys may provide legal assistance to clients concerning landlord/tenant disputes arising from their lease with privatized military housing (also called PPV housing) companies. LA attorneys shall not provide advice and/or assistance in connection with the underlying housing privatization initiative (contract with the government).

0112 EXPANDED LEGAL ASSISTANCE PROGRAM (ELAP) AND EXCEPTIONAL FAMILY MEMBER (EFM) COUNSEL PROGRAM

011201. Expanded Legal Assistance Program (ELAP)

The ELAP may be established in LA offices with prior authorization from the SJA to CMC (JAD (JLA)). ELAP services are provided in addition to, rather than in place of, normal LA services. ELAP may be authorized for LA offices able to commit sufficient personnel and resources to maintain an active and effective LA program in addition to the ELAP.

011202. Exceptional Family Member (EFM) Counsel Program

The ELAPs at Camp Lejeune and Camp Pendleton include Exceptional Family Member (EFM) Counsel who provide specialized LA services to assist families enrolled in the EFM Program. The scope of EFM Counsel representation is primarily to obtain benefits and services for the EFM under education laws that include the Individuals with Disabilities Education Act (IDEA) and other disability laws and regulations benefiting individuals with disabilities.

#### 0113 CLIENT REFERRALS

##### 011301. Approved Resources

Referral sources for clients needing services beyond those available at the LA office include, but are not limited to, the following: American Bar Association (ABA) Military Pro Bono Program (MPBP); law school clinical programs; local legal aid offices; American Immigration Lawyers Association (AILA) Military Assistance Program; and reserve JAs in an active or drilling status may participate in the MCLAP and advise LA clients, provided their participation is approved by the OIC, LSST.

##### 011302. Private Attorneys

Referral to specifically named private attorneys normally is not authorized except in emergencies as determined by the client's LA attorney, in consultation with the Head, LA Office or RLAD. Emergencies include such things as clients needing immediate court representation to protect their legal interests when other avenues are not available. To avoid the appearance of favoritism and impropriety when making such an emergency referral, the LA office should, when possible, provide the names of at least three (3) private attorneys for the client's consideration. The Head, LA Office or RLAD should ensure that the private attorneys to whom a client is referred are licensed and, as evidenced by the applicable State Bar Association website, are in good standing and have no disciplinary action taken or pending.

#### 0114 VOLUNTEER SERVICES

##### 011401. Authority

A Federal agency may accept uncompensated volunteer services provided it is authorized by law; otherwise, acceptance could be a violation of the Anti-Deficiency Act (31 U.S.C. § 1342). With SJA to CMC approval, LA offices may use certain volunteer services pursuant to 10 U.S.C. § 1044, 10 U.S.C. § 1588, 5 U.S.C. § 3111, and DoDI 1100.21, Voluntary Services in the Department of Defense.

##### 011402. Volunteer Agreements

All volunteers must sign Part II of DD 2793, Volunteer Agreement for Appropriated Fund Activities, in accordance with DoDI 1100.21. A copy of the signed Volunteer Agreement should be given to the volunteer before he or she begins providing volunteer services. Part IV should be completed at the end of the volunteer's service in order to document the dates of the volunteer service.

##### 011403. Attorney Volunteers

The volunteer attorney must be licensed in the State where the LA office is located. However, at an overseas location, the attorney may be licensed to practice law in any U.S. State or Territory. Pursuant to JAGINST 5803.2B, Certification of Good Standing with Licensing Authority, the volunteer attorney

must provide proof of good standing with their licensing authority and ensure they will not be in violation of their State's rules governing pro bono practice in other jurisdictions and/or overseas. The attorney volunteer may act as a notary for eligible LA clients under Federal authority of 10 U.S.C. § 1044a after completing notarial training prescribed by the SJA to CMC and posted on the SJA to CMC website. The attorney volunteer is considered to be a "covered attorney" subject to JAGINST 5803.1E, Professional Conduct of Attorneys Practicing under the Cognizance and Supervision of the Judge Advocate General.

011404. Paralegal Volunteers

The paralegal volunteer must provide documentary evidence of their training and paralegal certification. The paralegal volunteer is authorized to perform notarial acts under the federal authority of 10 U.S.C. § 1044a provided the volunteer is supervised by legal assistance counsel.

011405. Legal Services Support Section (LSSS) Training Syllabus for Incoming Volunteer Attorneys and Paralegals

A sample syllabus detailing LA office on-the-job training requirements for the volunteer is posted on the JLA website.

011406. Acceptance Procedures

The OIC, LSSS should submit a request for approval to accept voluntary services to the SJA to CMC (JAD (JLA)). A sample request package is posted on the secure JLA website.

011407. Other Volunteer Services

A. Law School Student Intern Services

LA offices may accept uncompensated Law School student services with the permission of the institution at which the student is enrolled. Law schools may have programs that allow this type of student internship and may also offer the student academic credit. The OIC LSSS should request approval to participate in a Law School Intern Program from the SJA to CMC (JAD (JLA)).

B. High School Student Services

LA Offices may accept volunteer services of local high school students participating in an established LSSS program to provide students with educational experiences. The OIC LSSS should request approval from the SJA to CMC (JLA)).

011408. Volunteer Access to Privacy Act Protected Records

DoDI 1100.21, para. 5.2.3, provides that volunteers to Appropriated Fund activities (e.g., LA offices) may have access to records contained in a Privacy Act system of records when needed to perform their duties. The LA Office Head should ensure all volunteers are briefed on requirements to protect client information and safeguard PII and take associated on-line PII/IA training.

0115 NOTARIZATIONS

Chapter IX of the JAGMAN contains policy and procedures for performing notarial acts under Federal authority (10 U.S.C. § 1044a). Prior to performing notarial acts under authority of 10 U.S.C. § 1044a and the JAGMAN, personnel shall complete notary training, which includes signing a “Duties and Responsibilities” form, that is posted on the publicly accessible SJA to CMC website under “JAD Resources” at <http://www.hqmc.marines.mil/sja/unithome.aspx>. The notary’s OIC should maintain training documentation. Failure to complete the training due to military exigencies will not affect the validity of the notarial acts, but training should be completed as soon as practicable. Notaries may provide notarial services only for those authorized under 10 U.S.C. § 1044a.

## 0116 WILLS, TRUSTS, AND ESTATE PLANNING

Basic estate planning (e.g., drafting simple Wills, Advance Medical Directives, Living Wills, Durable Powers of Attorney, and SGLI and DD-93 beneficiary designations) is a large part of LA practice. Complex estate planning, to include drafting complex trusts, may not be undertaken unless there is requisite expertise within the LA office.

## 0117 CONSUMER PROTECTION AND THE SERVICEMEMBERS CIVIL RELIEF ACT (SCRA)

### 011701. Consumer Matters

LA attorneys advise clients on a wide range of consumer matters involving such things as landlord/tenant disputes, mortgage foreclosures, automobile repossessions, debt collections, and identify theft. Helpful resources and consumer complaint avenues are in the MCLAP Policy and Practice Manual.

### 011702. Servicemembers Civil Relief Act (SCRA) and Department of Justice Enforcement

LA attorneys must be prepared to advise clients on all aspects of the SCRA, which includes stays of civil court and administrative proceedings, repossession protection, prohibition against non-judicial foreclosures on pre-service mortgages, default judgment protection, prohibition against non-judicial enforcement/foreclosure on storage liens, interest rate cap provisions, lease termination, cellular phone contract termination, eviction protection, and tax and residency protection.

## 0118 DOMESTIC RELATIONS AND FAMILY LAW

### 011801. General

Military family law practice can be complicated and state laws vary; accordingly, great care must be taken to avoid injuring a client’s interests. Unlike the other Services, Marine Corps LA attorneys do a great deal of legal work involving domestic relations, to include drafting separation agreements and helping clients file pro se in some jurisdictions as a Tier III legal assistance service.

### 011802. Family Law Mediation Program

As authorized by the OIC, LSSS, LA offices may establish Family Law Mediation Programs as a service to divorcing couples. The Program should have an established SOP that substantially complies with the Model Standards of Conduct for Mediators adopted by the ABA, American Arbitration Association and Association for Conflict Resolution.

011803. Separation and Divorce Briefs

LA offices may offer group informational briefs to persons contemplating divorce and are encouraged to consider offering alternate means, such as video briefs, that persons may watch in private. LA attorneys should not give specific legal advice to an individual at a group brief, but should instead recommend an appointment with a LA attorney.

## 0119 IMMIGRATION AND NATURALIZATION SERVICES

011901. General

Department of Defense regulations require the military Services to provide assistance to service members seeking naturalization based upon qualifying military service. For the Marine Corps, JAD (JLA) is the Immigration and Naturalization Program Manager. LA offices should contact JLA for assistance, as needed. LA offices may provide services to other LA-eligible persons (e.g., family members), depending on expertise within the office.

011902. Expedited Naturalization Processing at Recruit Training

Pursuant to 8 U.S.C. § 1400, Executive Order 13269 (July 3, 2002), as modified by the Office of the Under Secretary of Defense's Memorandum entitled Certification of Honorable Service for Members of the Selected Reserve of the Ready Reserve and Members of the Active Components of the Military or Naval Forces for Purposes of Naturalization (October 13, 2017), allows expedited naturalization of non-citizens serving in an active-duty status in the Armed Forces of the United States during armed conflict with a hostile foreign force (i.e., War on Terrorism) beginning 11 September 2001 until a termination date established by future Executive Order. One hundred eighty days of honorable service qualifies the service member to file for expedited naturalization processing. LA offices shall assist in processing recruit applications for naturalization in cooperation with the local U.S. Citizenship and Immigration Service (USCIS) office.

011903. Resources

The MCLAP Policy and Practice Manual contains a list of resources that includes the USCIS website dedicated to military personnel and family members at <https://www.uscis.gov/military/citizenship-military-personnel-family-members>. USCIS also has established a toll-free military help line, 1-877-CIS-4MIL (1-877-247-4645), exclusively for members of the military and their families. After-hours callers should receive an email address that they can use to contact USCIS for assistance.

## 0120 INCOME TAX PREPARATION AND FILING ASSISTANCE (VITA PROGRAM)

VITA Program promotes increased mission readiness and enhances the morale and quality of life for military personnel, retirees, and their families by providing them with free income tax preparation and filing services through the use of trained military personnel and volunteers. The OICs, LSSS determine the most effective method of providing tax preparation and filing assistance services at their installations (e.g., installation Tax Centers, facilitated self-help kiosks, etc.). As the Marine Corps VITA Program Manager and member of AFTC, JLA coordinates with the IRS to provide software and training material to Tax Center sites.

0121 PREVENTIVE LAW PROGRAMS, UNIT BRIEFS, AND SUICIDE AWARENESS OFFICE PROCEDURES

012101. Preventative Law and Unit Briefs

LA offices shall have Preventive Law and Legal Awareness Programs that offer timely and concise educational information to the military community. Topics should include identity theft, unfair and deceptive trade practices, life insurance designations, SCRA protections, and other significant legal issues affecting military personnel and their families. Information shall be posted on the LA Office website. Further dissemination may include newspaper articles, handouts, etc. LA Offices shall develop and use standardized briefing presentations geared toward personal and family readiness. Topics should include availability of LA services at the installation.

012102. Suicide Awareness Office Procedures

Each LA Office shall have written procedures that LA personnel will follow in the event of a perceived risk of suicide.