



**Marine Corps Recruiting Command**  
**Legal Assistance Handbook for**  
**Recruiters**





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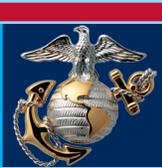
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*This handbook is for information purposes only and does not constitute legal advice. If you need legal advice and assistance, please contact a Legal Assistance Office or an attorney.*



## Purpose of Legal Assistance

Legal assistance increases readiness of active and reserve servicemembers and enhances morale and quality of life for servicemembers, dependents, and other eligible clients, through provision of free, effective attorney advice, outreach programs, referral services, and preventive law activities. Legal assistance services are provided subject to availability of staff and legal resources.

### Who Qualifies for Legal Assistance Services?

- a. Active duty Marines
- b. Reserve Marines on active duty for more than 30 days
- c. Retired Servicemembers
- d. Dependents of the above categories

### What Can I Do to Get the Best Advice Possible?

- a. Remain calm, do not threaten or confront other parties to the conflict.

b. Gather all applicable paperwork (e.g. contracts, notifications, court documents, etc.).

c. Keep a log of the time and date of significant events and contacts made regarding your issue.

d. Take the time to think about and write the questions you need answered.

e. Contact the nearest legal assistance office. You can:

(1) Search <http://legalassistance.law.af.mil/content/locator.php>

(2) Check the Marine Corps Legal Assistance Offices Directory at the end of this handbook.

f. Then take timely action in accordance with the advice provided by the legal assistance attorney.

g. Follow up with your legal assistance attorney, as needed.



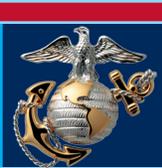
### Types of Legal Services and Advice Available

a. Tier I. This is first priority, standard legal readiness services, and includes advice, counseling and services on matters, such as:

- (1) Basic foreclosures
- (2) Consumer finance issues
- (3) Crime victim information
- (4) Demobilization briefings, including information on the Uniformed Services Employment and Reemployment Rights Act
- (5) Dependent (i.e. child/spouse) support/non-support obligations
- (6) Deployment briefings and assistance
- (7) Disaster relief claims and support
- (8) Family care plan and family law, including paternity
- (9) Military rights under the Servicemembers Civil Relief Act (SCRA)
- (10) Naturalization and immigration

- (11) Notary services
  - (12) Powers of attorney
  - (13) Preventative law briefings
  - (14) Simple estate planning, document drafting and execution
- b. Tier II. This is second priority service and includes advice, counseling and services on matters, such as:
- (1) Adoption
  - (2) Guardianship (conservatorship) of a person
  - (3) Guardianship of the estate, limited to the estates of dependent minor children of servicemembers who died while active duty
  - (4) Immigration advice, review, and paper-work filing.





# Legal Resources

a. You may find the closest Armed Forces Legal Assistance Office by visiting the following webpage and entering your zip code: <http://legalassistance.law.af.mil/content/locator.php>

b. The American Bar Association’s Operation Home Front/Military Pro Bono Program (MPBP) provides servicemembers, veteran or military family members in need of legal assistance with:

- (1) A directory of programs to find a state-by-state guide of legal resources available
- (2) An information center to learn about a variety of legal topics
- (3) May connect military members/dependents to free legal assistance provided by private law firms and attorneys for many types of civil legal problems outside the scope of services provided by military legal assistance offices. Military legal assistance attorneys refer clients meeting MPBP referral criteria through the MPBP web-

site for placement with pro bono representation. See [http://www.americanbar.org/portals/public\\_resources/aba\\_home\\_front.html](http://www.americanbar.org/portals/public_resources/aba_home_front.html)

c. State Bar Associations. Many state bar associations organize their own pro bono program and if you qualify they may be able to find you with a local lawyer at no cost.

d. Law Schools. Many law schools have established legal assistance clinics, which are supervised by experienced attorneys. These clinical programs often include assistance with matters involving consumer protection, landlord-tenant, bankruptcy, and disability.

e. Military OneSource. This is a confidential Department of Defense-funded program providing comprehensive information on every aspect of military life at no cost to active duty, National Guard, reserve members, and their families. Information includes no-cost tax preparation and filing software, adoption, disability, financial, and face-to-face and online non-medical confidential counseling (counseling for PTSD, traumatic brain injury, relationship, job related stress, spousal education and career, and post-deployment)

## Common Legal Services

Each service branch has specific regulations explaining the legal services they provide. Specific services may vary by installation based on available resources and expertise of the attorneys. Generally, however, the issues your legal assistance office may be able to help you with include the following:

a. **Drafting Powers of Attorney.** Powers of attorney legally allow one person to act on behalf of another. For example, if you need to give someone permission to release your household goods shipment because you are leaving before your furniture ships, your legal assistance attorney can help you appoint someone to do this. You may have a “general” power of attorney drafted, which authorizes a person to act on your behalf in most of your affairs, or you may choose a “special” power of attorney, which authorizes a person to act on your behalf only during specific situations such as obtaining emergency medical care for your children or registering your vehicle.

b. **Drafting Wills.** A will is a legally binding document describing how you want your property

distributed after your death. It may also include other matters such as the appointment of your child’s guardian. The legal assistance attorney generally can draft a will to fit your particular desires and needs. However, for complex estate planning where the legal assistance attorney determines that he or she cannot provide adequate advice or assistance regarding your property (or estate), the attorney will try to help you find a civilian attorney. Additionally, a legal assistance attorney may also be able to help you draft a “living will,” which addresses the use of extraordinary life-sustaining measures if you become seriously ill or injured.

c. **Family Law Matters.** Your legal assistance office can also help if you need advice on adoption, child support, marriage, divorce, separation, child custody, alimony, property division, name change, paternity or legal benefits under the Uniformed Services Former Spouses’ Protection Act.

d. **Landlord-Tenant Lease Review.** If you plan to enter into a lease or need to break a lease, schedule a consultation and review of the document at your legal assistance office. Federal laws may offer specific protections for service members as well as some state law.





e. Notary Services. Notary services are also available through legal assistance offices for things such as administration of oaths, witnessing authenticity of signatures, taking of acknowledgments, sworn statements and affidavits, and certification of true copies.

f. Consumer Advice. Unmanaged debt can cause serious problems and may have career implications for military members. If you are having credit problems, legal assistance attorneys may be able to help with communication, correspondence and negotiation with collection agencies, lawyers or other parties. Federal and state laws provide many protections for consumers regarding purchases, credit reporting, and creditor collections. Meet with an attorney if you need help with any kind of consumer issue. Be sure to bring all relevant documents, including letters, contracts, and your credit report, with you to your appointment. Your legal assistance attorney can also help if you believe you are a victim of a scam or otherwise have a dispute over a consumer issue or service.

g. Tax Assistance. Many legal assistance offices operate tax centers or provide income tax return preparation assistance during tax season to help with federal, state or local tax issues.

h. Immigration and Naturalization. Immigration and naturalization issues can be particularly important to ser-

vicemembers. If they have served honorably in the U.S. armed forces, but do not have U.S. citizenship, they can become citizens without satisfying the usual residence, physical presence and waiting-period requirements. Legal assistance personnel can provide assistance and referrals on issues including immigration, citizenship and naturalization matters such as alien registration, re-entry permits, passports, naturalization of a surviving spouse and citizenship of children born abroad to U.S. military parents.

## **Introduction to the Service members Civil Relief Act (SCRA)**

The following is not an exhaustive list of your rights under the SCRA. However, the following SCRA protections were listed with the recruiter community in mind. If you believe you have a SCRA situation, please seek legal advice from a Legal Assistance office.

a. Purpose. SCRA's purposes are to enable servicemembers (SMs) to devote their entire energy to the defense needs of the Nation and to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of SMs during their military service.



materially effects the service members ability to appear, (2) provide a date when the SM can appear, and (3) include a letter from the commander stating that the SM's duties preclude his or her appearance and that he is not authorized leave at the time of the hearing. This letter or request to the court will not constitute a legal appearance in court. Further delays may be granted at the discretion of the court, and if the court denies additional delays, an attorney must be appointed to represent the SM.

## *The Servicemembers Civil Relief Act (SCRA) is a federal law that provides protection for military members as they enter active duty*

b. Who is Covered? SMs, active or reserve, who are called to active duty for more than 30 consecutive days. A SM is also covered for any period of time when he or she is absent from duty because of sickness, wounds, leave or other lawful cause. Other covered individuals, under certain sections of SCRA include SM's dependents (e.g. spouse or a child). In addition, if a SM has provided more than half of a person's support for the 180 days immediately preceding an application for relief under the Act, that person is considered a dependent as well.

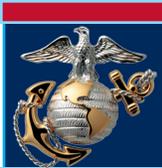
c. What Courts, Administrative Agencies, and Tribunals Fall under the Act? Any court or administrative agency of the United States, a state or a political subdivision thereof is covered. Does this mean the Michigan Department of Environmental Protection? The Cook County Board of Housing Appeals? The Zoning Commission of San Diego? The U.S. Department of the Interior? The answer is YES to all the above! However, Criminal proceedings are excluded. 50 U.S.C. App. § 512(b).

d. Delay of Court and Administrative Proceedings.

Active duty SMs, who are unable to appear in a court or administrative proceeding due to their military duties, can postpone the proceeding for a mandatory minimum of ninety days upon the SM's request. The request must be in writing and (1) explain why the current military duty

e. Termination of Leases. The SCRA allows termination of leases by active duty SMs who subsequently receive orders for a permanent change of station (PCS) or a deployment for a period of 90 days or more. The SCRA also includes automobiles leased for personal or business use by SMs and their dependents. The pre-service automobile lease may be cancelled if the SM receives active duty orders for a period of one hundred and eighty (180) days or more. The automobile lease entered into while the SM is on active duty may be terminated if the SM receives PCS orders to (1) a location outside the continental United States or (2) deployment orders for a period of one hundred and eighty days or more.

f. Default Judgment Protection. If a default judgment is entered against a SM during his or her active duty service, or within 60 days thereafter, the SCRA allows the SM to reopen that default judgment and set it aside. In order to set aside a default judgment, the SM must show that he or she was prejudiced by not being able to appear in person, and that he or she has good and legal defenses to the claims against him/her. The SM must apply to the court for relief within 90 days of the termination or release from military service.



g. State Taxation Clarification. The SCRA provides that a nonresident SM's military income and personal property are not subject to state taxation if the SM is present in the state only due to military orders. The state is also prohibited from using the military pay of these nonresident SMs to increase the state income tax of the spouse.

h. Telephone Contract Termination. Some of the rights conferred on SMs by the SCRA include the modification of contract rights and the following:

(1) The right to terminate a telephone service contract only applies to contracts for cellular telephone service or telephone exchange service entered into prior to receiving orders that would qualify for termination. A SM may terminate a telephone service contract at any time after the date the SM receives military orders to relocate for a period of 90 days or move to a location that does not support the contract.

(2) To terminate the contract the SM must deliver a written or electronic notice of the intent to terminate and a copy of the military orders to the service provider. The notice must be delivered in accordance with service

providers standards for notification of terminations. The notice should contain the date on which the service is to be terminated.

(3) If the contract is a family plan, termination by the SM will terminate the contract for the family members if they accompany him or her on the orders to a location without service. The SM may retain the contract telephone number if the relocation is for not more than three years and he or she re-subscribes to the service within 90 days of the three year period. If the SM re-subscribes within the above period the service provider cannot charge to reconnect the service.

(4) The service provider may not impose an early termination charge. However, any tax or any other obligation or liability of the SM that is due and unpaid or unperformed at the time of termination of the contract shall be paid or performed by the SM.



## Directory of Marine Corps Legal Assistance Offices

If you are located near Marine Corps Base, the following is a directory of legal assistance offices:

### HEADQUARTERS

Judge Advocate Division (JAL)  
Headquarters Marine Corps  
3000 Marine Corps Pentagon  
Rm 4D558  
Washington DC 20350-3000  
(703) 692-7442  
[http://www.hqmc.marines.mil/sja/Branches/LegalAssistanceBranch\(JLA\).aspx](http://www.hqmc.marines.mil/sja/Branches/LegalAssistanceBranch(JLA).aspx)

### MCB CAMP LEJEUNE, NC

(supports New River)  
Attn: Legal Asst. Office Bldg 66  
Camp Lejeune, NC 28542  
(910) 451-7085  
DSN 751-7085  
<http://www.mcieast.marines.mil/StaffOffices/LegalServicesSupportSectionEast.aspx>

### MCAS CHERRY POINT, NC

Attn: Legal Asst. Office  
PSC 8007  
Cherry Point, NC 28532  
(252) 466-2311/2361  
DSN 582-2311/2361  
<http://www.cherrypoint.marines.mil/StaffOffices/CPLegalServiceSupportTeam/LegalAssistance.aspx>

### MCRD PARRIS ISLAND, SC

(supports Albany/Beaufort)  
Attn: Legal Assistance Office  
P.O. 19610  
Parris Island, SC 29905-9610  
(843) 228-2559  
DSN 335-2559/3007

### MCB CAMP PENDLETON, CA

(supports Barstow)  
Box 555023  
Camp Pendleton, CA 92055-5023  
(760) 725-6172/6558  
DSN 361-6172  
<http://www.pendleton.marines.mil/StaffAgencies/LegalServicesSupportTeam/LegalAssistance.aspx>

### MCAGCC 29 PALMS, CA

Legal Asst. Office  
Box 788102  
29 Palms, CA 92278-8102  
(760) 830-6111  
DSN 230-6111  
<http://www.29palms.marines.mil/Offices/LegalServicesSupportTeam/LegalAssistance.aspx>

### MCAS MIRAMAR, CA

Legal Assistance Office  
Box 452022  
(Bldg 6275 Bauer Rd.)  
San Diego, CA 92145  
(858) 577-1656  
DSN 267-1656  
<http://www.miramar.marines.mil/Departments/LegalServicesSupportTeam.aspx>

### MCRD SAN DIEGO, CA

MCRD-SD Legal Assistance Detachment  
P.O. Box 452022  
San Diego, CA 92145-2022  
(619) 524-4111  
<http://www.mcrdsd.marines.mil/Units/TenantUnits/LegalAssistanceOffice.aspx>

### MCAS YUMA, AZ

Legal Services Support Detachment Yuma  
Attn: Legal Assistance  
Marine Corps Air Station Yuma  
Box 99126  
Yuma, Arizona 85369-9126  
(928) 269-3586  
DSN 269-3586  
<http://www.mcas-yuma.marines.mil/StaffandAgencies/LegalServiceSupportDetachment/LegalAssistance.aspx>

### OKINAWA, JA (supports Iwakuni)

LSSS Svc Co 3d MLG  
Unit 38477  
FPO AP 96370-2044  
011-81-611-745-1037  
DSN 315-645-1037  
<http://www.mcbbutler.marines.mil/BaseInformation/LegalAssistance.aspx>

### MCAS IWAKUNI, JA

Attn: Legal Assistance  
PCS 563 Box 211  
FPO AP 96310-0013  
011-81-0827-79-5591  
DSN 253-5591

### MCB KANEOHE BAY, HI

HQBN  
Legal Assistance Office  
P.O. BOX 63002  
MCB Kaneohe Bay, HI 96863  
(808) 257-6738  
DSN 457-6738  
<http://www.mcbhawaii.marines.mil/Departments/LegalServices/LegalServicesSupportTeam/LegalAssistance.aspx>

### MCB QUANTICO, VA

(supports Henderson Hall)  
Legal Assistance Office (B 0522)  
3250 Catlin Ave, Suite 133  
Quantico, VA 22134-5001  
(703) 784-3126/3127  
DSN 278-3126/3127  
<http://www.quantico.marines.mil/OfficesStaff/StaffJudgeAdvocate.aspx>

### HENDERSON HALL, ARLINGTON, VA

1555 Southgate Rd  
Bldg 29, Rm 301  
Arlington, VA 22214  
703-614-1266

