

Limitations on the Legal Assistance Program

Legal assistance attorneys are prohibited from the following acts:

1. Advising opposing parties on the same issue

If two or more eligible persons with conflicting interests seek advice from the same legal assistance office on the same matter, the party first establishing an attorney-client relationship will be provided representation. This rule applies even if the conflicted party who will not be able to receive legal assistance is the military service member. Every effort will be made to refer the party with a conflicting interest to another source of free legal assistance or, if no such source is available, to a civilian attorney.

2. Providing advice on personal business matters

3. Providing advice on issues or interests in conflict with or opposed to the interests of the United States

Proceedings involving the United States: Legal assistance attorneys shall 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.

Advice or assistance in official military matters: Legal assistance duties are separate and apart from responsibilities of trial counsel, defense counsel, or others involved in processing courts-martial, non judicial punishments, administrative boards or proceedings, and investigations. Members accused or suspected of offenses or conduct that may result in disciplinary or judicial proceedings under the Uniform Code of Military Justice, or processing for administrative discharges, will be referred to a defense counsel

4. Providing advice over the telephone or via e-mail

Legal assistance ordinarily will not be provided over the telephone or via the Internet except in unusual or compelling circumstances.

5. Providing advice on military justice matters

6. Providing advice to third parties

The privileged attorney-client relationship requires personal and private communication. Except when the client is unable to communicate adequately, advice or assistance will not be provided through third parties. For example, each individual client requesting a will must be interviewed personally by a legal assistance attorney prior to execution of the will. When command representatives seek information or assistance on behalf of service members, they shall normally be instructed to have the service member obtain a legal assistance appointment. Bona fide requests for command services shall be referred to the judge advocate charged with providing advice and assistance to the command concerned.

WHO IS ELIGIBLE?

Legal assistance is provided to all active duty service members, reservists on active duty for 30 days or more, and retirees from all branches of the service, their lawful dependents.

CONFIDENTIALITY:

Information and files pertaining to legal assistance clients are private and privileged under law and applicable professional rules and guidelines. The information and documents contained in a client's file will not be disclosed to anyone by the attorney providing legal assistance, except upon the express specific permission of the client or when the attorney determines that disclosure is authorized or required by law or applicable rules of professional conduct. The unauthorized release of confidential client information cannot be made lawful by order of superior military authority.