



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

27 SEP 2001

MEMORANDUM FOR ALL STAFF JUDGE ADVOCATES

FROM: HQ USAF/JA
1420 Air Force Pentagon
Washington, D.C. 20330-1420

SUBJECT: **TJAG Special Subject Letter 2001-8: Legal Assistance to Participating Guard and Ready Reserve Members**

Legal assistance is a critical concern for all National Guard and Reserve members of the armed forces, particularly when they anticipate being called or ordered to active duty under a mobilization authority. Outlined below are two circumstances in which Air Force legal offices can address these concerns.

First, staff judge advocates should ensure participating reserve component members are provided a will and powers of attorney upon request. These services are "mission-related" legal assistance within legal office responsibilities. Due to the current short-notice mobilization, you are authorized to provide such services to reserve component members of all military services upon presentation of a valid military identification card only. Our Department will not additionally require proof of orders at this time.

A revision to Air Force Instruction 51-504 will be released in the near future. I have approved inclusion of the following paragraph:

1.3.2. Participating Ready Reserve or National Guard Members. For members of the reserve components subject to federal mobilization (Air National Guard, Ready Reserves, contract ROTC cadets) in non-EAD status, mission-related legal assistance is limited to wills and powers of attorney.

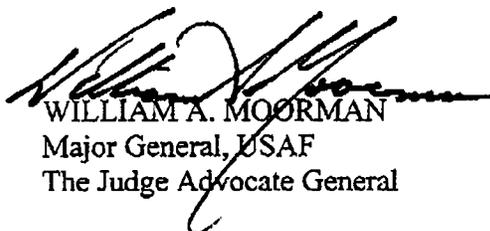
While this paragraph speaks in terms of the "Air National Guard," staff judge advocates should provide mission-related legal assistance regardless of the branch of service.

Second, staff judge advocates have the discretion to provide "non-mission-related" legal assistance on a space available basis to individuals in "unique situations." This service would include legal assistance to participating reserve component members on matters that may impact their ability to respond if ordered to active duty or to otherwise meet their military obligations; e.g., consumer law, domestic relations.

The pending revision to Air Force Instruction 51-504 will also include the following paragraph:

1.4.2. Unique Situations. In furtherance of the Air Force mission, SJAs may authorize legal assistance on a space available basis to National Guard and Reserve personnel not on active duty and to others not normally eligible. An example could include a National Guard unit assigned a mission historically performed by active duty personnel or units (such as the National Guard taking responsibility for National Air Defense Sectors). The SJA should consider factors such as the individual's affiliation with the Department of Defense, the impact of the requested legal assistance upon mission accomplishment, and the availability of other legal counsel (civilian counsel, National Guard judge advocates, and Reserve judge advocates) to serve the individual.

The members of our reserve components continue to be integral to the effectiveness of our armed forces, particularly in times of national crisis. The two directives addressed above provide avenues for ensuring our reserve component personnel are "legally mission ready" when they are called up for service.



WILLIAM A. MOORMAN
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The Judge Advocate General