Professional Development Standards (PDS) For Legal Assistance Attorneys

Name of FTJA: _____

Definition of Flexible Measurement Terms

Note: Where verbs express only the general level of learning for knowledge and understanding, this is intended to provide greater flexibility for measurement in observable ways. When determining achievement of learning, use the appropriate observable action for the assessment.

I. Know: The ability to retrieve information from memory.

Actions used to assess knowing include: recall, list, state, identify, reproduce, and recognize.

II. Understand or Comprehend: Connecting existing with new information and experience to form meaning and relate concepts to other situations.

Actions used to assess understanding include: explain, summarize, defend, generalize, give examples, give analogies, and paraphrase.

III. Review: Reading and examining a reference sufficient to grasp its meaning and the principle issue(s).

Actions used to assess a sufficient review include: explain, summarize, discuss, and generalize.

Core Competencies

1. **Navy JAGC Legal Assistance Program**

2. **Legal Assistance for Crime Victims and Witnesses (Domestic Violence/Assault and Other Crimes)**

3. **Powers of Attorney**

4. **Notary Authorities, Requirements, and Services**

5. **Estate Planning (Wills, Supporting Documents, and Will Execution)**

6. **Family Law (Divorce/Separation, Non-Support, Custody, Adoption, Paternity, Early Return of Dependents, and Name Changes)**

7. **Property & Landlord/Tenant Disputes**

8. **Military Rights/Benefits (SCRA, USERRA)**

9. **Consumer Law (Fraud, Abuse, Creditor/Debtor, Predatory Lending)**

10. **Naturalization and Immigration**

11. **Tax Law and VITA**

12. **Pre-Deployment/Pre-Mobilization Readiness**

NOTE: For OCONUS locations, when there is a reference to "your command's jurisdiction" or "local state and military procedures," FTJAs should select a jurisdiction and apply that jurisdiction throughout the PDS. If OCONUS, FTJAs should note jurisdiction used to complete PDS.

JURISDICTION APPLIED:_____

Commanding Officers have the discretion to modify or waive any line items or sections as appropriate for local practice. Commands are encouraged to simulate events that are not available locally to the extent practicable. Commanding Officers also have the discretion to determine that items completed in one PDS satisfy the requirements of a PDS in a subsequent rotation.

1. Navy JAGC Legal Assistance Program

Note: FTJAs may not provide any legal assistance requiring an Attorney-Client Relationship prior to completion of this section of the PDS.

Review, sign, and date:

10 U.S.C. §§1044–1044e	NJS
SECNAV M-5216.5, DEPARTMENT OF THE NAVY CORRESPONDENCE MANUAL.	NJS
JAGINST 5801.3(SERIES), NAVY LEGAL ASSISTANCE PRACTICE GUIDE CHECKLISTS.	NJS
JAGINST 5800.7(SERIES), MANUAL OF THE JUDGE ADVOCATE GENERAL, CHAPTERS VII—LEGAL ASSISTANCE & CHAPTER IX—NOTARY SERVICES.	NJS
JAGINST 5803.1(SERIES), PROFESSIONAL CONDUCT OF ATTORNEYS PRACTICING UNDER THE COGNIZANCE AND SUPERVISION OF THE JUDGE ADVOCATE GENERAL.	NJS
JAGINST 5801.2(SERIES), NAVY LEGAL ASSISTANCE PROGRAM.	NJS
DODI 6490.04, MENTAL HEALTH EVALUATIONS OF MEMBERS OF THE MILITARY SERVICES	NJS
NLSC/CODE 16 STANDARD LEGAL ASSISTANCE CLIENT INTAKE QUESTIONNAIRE.	NJS
JOINT MILITARY LEGAL ASSISTANCE LOCATOR SITE. HTTP://LEGALASSISTANCE.LAW.AF.MIL.	NJS
OPNAVINST 1720.4A, NAVY SUICIDE PREVENTION PROGRAM.	
COMNAVLEGSVCCOMINST 1720, SUICIDE PREVENTION PROGRAM.	
CNLSC SUPLAN 3440-TFNF, COMMANDER, NAVAL LEGAL SERVICE COMMAND SUPPORTING PLAN TO TASK FORCE FAMILY (TFNF) FUNCTIONAL PLAN	
32 C.F.R. Part 727—DEPARTMENT OF THE NAVY LEGAL ASSISTANCE	
DoDD 1350.4, LEGAL ASSISTANCE MATTERS.	
SECNAVINST 5211.5(SERIES), DEPARTMENT OF THE NAVY PRIVACY PROGRAM AND THE NAVY'S OTHER OFFICIAL GUIDANCE ON PRIVACY AVAILABLE AT WWW.DONCIO.NAVY.MIL.	

COMNAVLEGSVCCOMINST 5800.1(SERIES) NLSC MANUAL, CHAPTER 13, LEGAL ASSISTANCE DEPARTMENT.	

Initial and Date:

1. NJS_____ KNOW: Legal assistance eligibility including crime victim eligibility, JAGMAN Chapter 7 (e.g., DoD civilian and contractor eligibility overseas) and client category prioritization issues.

2. NJS_____ REVIEW: The rules of professional conduct for both the JAGC, and your state bar. Pay particular attention to JAGINST 5803.1(SERIES) Rules 1.2, Establishment and Scope of Representation, 1.4, Communication, 1.6 Confidentiality of Information, and 1.7-1.9 regarding Conflicts of Interest. Know when your state bar sets additional requirements or duties, and how to resolve an issue if there is a conflict between your professional responsibility obligations.

3. NJS_____ REVIEW: Your professional responsibility obligations when supervising non-lawyer legal professionals.

4. NJS_____ KNOW: Your authorities and limitations on the provision of legal assistance, and your office's policy regarding the Tiers of Service.

5. NJS_____ KNOW: The American Bar Association (ABA) Military Pro Bono Project, ABA Home Front, ABA Operation Standby, and the ABA Standing Committee on Legal Assistance for Military Personnel, by reviewing www.abahomefront.org, www.militaryprobono.org, and www.americanbar.org/groups/legal_assistance_military_personnel.html.

6. NJS_____ KNOW: How to register for the ABA Military Pro Bono Project, what type of clients and cases are considered qualified case types, and how to refer a case.

7. _____ READ: Local guidance on legal assistance in your command's Standard Organization and Regulations Manual (SORM) and Legal Assistance Standard Operating Procedures (SOP).

8. _____ KNOW: Your command's policy on where to refer individuals who are unable to meet with a legal assistance attorney due to a conflict of interest or the fully booked schedule of the office, and the local rules for the provision of remote legal assistance services or outsourcing to alternate providers.

9. _____ KNOW: Your command's policy on referrals to civilian counsel when the client needs assistance beyond the scope of the legal assistance program.

10. _____ KNOW: Local Bar referral services and procedures for referrals as well as the availability of Legal Aid or other Pro Bono services in locality and their standards for

acceptance of cases including but not limited to knowing your local points of contact with Legal Aid, local law school clinical programs and other pro bono and low cost referral services.

11. _____ KNOW: How legal assistance correspondence is serialized, tracked and maintained in your office.

12. _____ KNOW: How procedures in your office assure compliance with the Privacy Act.

13. _____ DISCUSS: The Navy Suicide Prevention Program with your Department Head, discussing the particular importance of suicide awareness and response as it applies to the legal assistance attorney/client relationship, and reporting requirements to the chain of command.

14. _____ LOG-ON: SharePoint. Request access and logon to Code 16s Legal Assistance and Cross-Community collaboration for Victim's SharePoint portal site.

15. _____ READ: The most recent calendar year's Legal Assistance Practice Advisories, review current legal assistance guidance, and participate in at least 1 discussion board topic.

16. _____ USE: The joint military legal assistance locator site, http://legalassistance.law.af.mil/content/locator.php to identify the closest alternate legal assistance provider and save the full contact information, business hours, and appointment scheduling procedures.

17. _____ VISIT: Your local Navy Marine Corps Relief Society, Fleet and Family Support Center, Chaplains, Personnel Support Detachment, Disability Evaluation System Counsel, Victim's Legal Counsel/Special Victim's Counsel, Casualty Assistance Calls Officer, and Housing Office. Discuss with a representative of each activity the services they provide and inform them of the services provided by the legal assistance office. Also, familiarize yourself with the support services offered by Military One Source.

18. _____ OBSERVE: The duties of your legal assistance receptionist(s)/intake clerks. Learn how to instruct clients on filling out legal assistance intake forms, how to schedule an appointment, how to determine eligibility for services, how to check for possible conflicts, and what to do if a conflict is determined. Also, discuss the best practices for dealing with a difficult client, clients arriving with third persons/parties, a disabled client, an aged client, young children, or a disturbance in the waiting room.

19. _____ PARTICIPATE: Check-in a client/customer under supervision, including eligibility determination, conflict check and intake sheet review for clients and customer worksheet for customer services.

20. _____ KNOW: The CMTIS Attorney Services and SharePoint Customer Services

Business Rules for Legal Assistance.

21. _____ LOG-ON: CMTIS. Learn how to input a legal assistance client, an opposing party, add attorney services, perform a conflict check, and run a report using the Joint Enterprise System. Familiarize yourself with all the CMTIS Business Rules for Legal Assistance. Learn how to input a customer service into Sharepoint and run a report showing monthly non-attorney-client services in SharePoint.

22. _____ KNOW: The Legal Assistance Manual and Navy records retention policy for retention of the original client/customer intake sheet, will questionnaire and final unexecuted copies of estate plans and ancillary documents.

23. _____ KNOW: Your state bar rules with respect to the length of time you must retain records.

24. _____ PARTICIPATE: In your office's legal assistance outreach efforts including legal assistance site visits, briefs, and publications (one occurrence of each).

25. _____ KNOW: Understand the role of a legal assistance attorney in a disaster response, and review your command's Disaster Response Plan and Active Shooter Response Plan for clients/customers.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

2. Legal Assistance for Crime Victims and Witnesses

Note: FTJAs may not provide any legal assistance requiring an Attorney-Client Relationship prior to completion of this section of the PDS.

Review, sign, and date:

JAGINST 5800.4(SERIES), VICTIM AND WITNESS ASSISTANCE PROGRAM AND DD FORMS 2701.	NJS
JAGINST 5801.2(SERIES) APP B, LEGAL ASSISTANCE FOR VICTIMS OF CRIMES VICTIM ACKNOWLEDGMENT; JAGINST 5801.2(SERIES) APP C, CRIME VICTIM ACKNOWLEDGMENT OF LIMITED SERVICES.	
OPNAVINST 1750.3, TRANSITIONAL COMPENSATION. Acting ASN (M&RA) Memo of 2 Apr 15, Delegation of authority for transitional compensation for abused dependents.	
10 U.S.C. 806b, ARTICLE 6b UCMJ	
JAGINST 5810.3 VICTIMS LEGAL COUNSEL PROGRAM MANUAL	
OPNAVINST 1752.1(SERIES), NAVY SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.	

Initial and Date:

1. _____ KNOW: The JAGC, NLSC, and your command's policy on providing legal assistance support for crime victims.

2. _____ KNOW: The role of LA attorneys in referring cases to the VLC, DES Counsel, DSO, SARC, Victim Advocate, FAP, Medical and Chaplains.

3. _____ KNOW: When an individual is entitled to service of a Victims' Legal Counsel (VLC) and how to refer an individual to the VLC.

4. _____ DISCUSS: Local experience in providing VLC support with a supervisor.

5. _____ KNOW: When a conflict of interest requires referral of a crime victim or witness to alternate legal assistance providers and how to effect that referral.

6. _____ KNOW: Local military and non-military resources for crime victims including state and local transition and compensation programs.

7. _____ KNOW (CONUS): Know information and points of contact for the local domestic violence shelters, including eligibility requirements and limitations.

OR

8. _____ KNOW (OCONUS): Local law, policy, and what equivalent actions (to contacting a domestic violence shelter) victims can utilize.

RECOMMENDED_____ DATE_____
(PDO/ Civilian SME/Branch/Department Head)

3. Powers of Attorney

Review, sign, and date:

10 U.S.C. § 1044a	NJS
JAGINST 5801.3(SERIES), NAVY LEGAL ASSISTANCE PRACTICE GUIDE CHECKLIST – POWERS OF ATTORNEY	NJS
PREVENTIVE LAW SERIES – POWERS OF ATTORNEY (POA)	NJS

Initial and Date:

1. NJS_____ DESCRIBE: The difference between a General POA and Special POA.

2. _____ REVIEW: All 24/7 self-assist Special Powers of Attorney available through jag.navy.mil. and obtain the password from your LA Department which is available only to RLSO Legal Assistance staff to download and edit the documents on this site.

3. _____ OBSERVE: An attorney advise on a General Power of Attorney and issues of revocation/cancellation.

4. _____ OBSERVE: An attorney advise on a Special Power of Attorney and issues of revocation/cancellation.

5. _____ DISCUSS: With your supervisor duration of POAs, advantages of limiting duration, liability of the principal (grantor) for the acts of the agent (grantee), durability, state-specific statutory POAs, limitations of *in loco parentis* SPOAs, extension provisions in the SCRA, the process for revocation and alternatives to powers of attorney.

6. _____ DRAFT: Prepare a General Power of Attorney using DL Wills and a Banking Special Power of Attorney using jag.navy.mil.

7. _____ DRAFT: A real estate Special Power of Attorney using the Code 16 SharePoint Hot Docs Hold Box Real Estate Super Power of Attorney Master Template at https://portal.secnav.navy.mil/orgs/JAG/16/BO/HDHB.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

4. Notary Authorities and Services

Review, sign, and date:

10 U.S.C. § 1044a	NJS
JAGINST 5800.7 (SERIES) CHAPTER VII SECTION 0705 LEGAL ASSISTANCE ELIGIBILITY, AND CHAPTER IX AUTHORITY OF ARMED FORCES PERSONNEL TO PERFORM NOTARIAL ACTS	NJS
JAGINST 5801.2	NJS
NOTARY DUTIES AND RESPONSIBILITIES FORM	NJS
CODE 16 SHAREPOINT SITE	

Initial and Date:

1. NJS_____ LOG ON: To NJS's Blackboard site and complete the notary training.

2. NJS_____ KNOW: What a Notary Public is, who has authority to act as a federal notary public, and who is an authorized recipient of notary services, as well as the meaning and legal effect of an acknowledgement, affirmation, apostille, certified copy, competence, instrument, and jurat.

3. NJS_____ OBTAIN: Your judge advocate personalized notary seal and thumb-print pad.

4. _____ PARTICIPATE: Notarize and administer the oath for a sworn document under the supervision of a legal assistance attorney.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

5. Estate Planning (Wills, Supporting Documents, and Will Execution)

Review, sign, and date:

NLSC/CODE 16 STANDARD WILL INTAKE FORM.	NJS
NLSC/CODE 16 STANDARD WILL EXECUTION SCRIPT.	NJS
SERVICEMEMBER'S GROUP LIFE INSURANCE (SGLI) ELECTION CERTIFICATE, SGLV 8286.	NJS
DD FORM 93, RECORD OF EMERGENCY DATA.	NJS
NAVPERS 1070/602 (COMMONLY KNOWN AS A "PAGE 2" IN THE SERVICE RECORD.)	NJS
SERVICEMEMBER'S AND VETERAN'S GROUP LIFE INSURANCE HANDBOOK, VA HANDBOOK 29-98-1	NJS
SURVIVOR'S GUIDE TO BENEFITS AND THE U.S. DEPARTMENT OF VETERANS AFFAIRS' WEBSITE FOR SURVIVORS AT http://www.va.gov/opa/persona/dependent_survivor.asp	NJS
NLSC/CODE 16 DUAL WAIVER OF CONFLICT LETTER.	

Initial and Date:

1. NJS_____ DISCUSS: With a legal assistance attorney how to address common estate-planning issues including children from prior relationships, elective share, the difference between state inheritance and gift taxes and large (taxable) federal estates, disabled beneficiaries, domicile/jurisdiction, and non-U.S. citizen executors and beneficiaries.

2. NJS_____ KNOW: The Legal Assistance manual requirements for the preparation and the execution of a valid power of attorney, and any special requirements of local law in your command's jurisdiction.

3. _____ KNOW: Your command's jurisdiction's intestate succession laws.

4. _____ DISCUSS: With your supervising attorney local probate-filing procedures, local probate forms accessible online, and the types of probate actions available under your jurisdiction's laws.

5. _____ REVIEW: Your jurisdiction's version of the Uniform Transfers to Minors Act or the Uniform Gift to Minors Act, if applicable in your command's jurisdiction.

6. _____ OBSERVE: A legal assistance attorney discuss estate planning with a client during a client interview. The interview should include going through the information on the standard will questionnaire and an explanation of the options for leaving property to a minor child and specific line-by-line review with the client of assets and debts.

7. _____ OBSERVE: A legal assistance attorney advise a member on how to correctly fill out the Dependency Application/Record of Emergency Data, NAVPERS 1070/602 (commonly known as a "Page 2" in the service record) and the restrictions on how and when to use Servicemembers Group Life Insurance (SGLI) Online Enrollment System (SOES) to make any updates.

8. _____ DISCUSS: With a legal assistance attorney the various types of durable special powers of attorney available and how to explain them to clients.

9. _____ OBSERVE: A legal assistance attorney explaining and obtaining mutual consent to the standardized dual representation letter in the context of a spousal will. Observe the attorney conducting the will interview of spouses.

10. _____ CONDUCT: A command will visit under the supervision of a legal assistance attorney.

11. _____ OBSERVE: A legal assistance attorney conduct a command will visit.

12. _____ ACT: As a witness for a will execution supervised by another legal assistance attorney.

13. _____ EXECUTE: A will under the supervision of another legal assistance attorney.

14. _____ READ: A Military Testamentary Instrument (MTI) prepared by a legal assistance attorney using the Code 16 Approved Wills program and discuss with the attorney how s/he altered the draft documents to create a final document.

15. _____ DRAFT: Under the observation of a legal assistance attorney, prepare a Military Testamentary Instrument (MTI), advance medical directive ("living will" and medical power of attorney), and military durable power of attorney using Code 16 Approved Will Drafting Software. The MTI must contain a pre-residuary trust for the benefit of a minor child. Tailor the documents per Code 16 guidance.

16. _____ KNOW: When a Servicemember may use SOES to update a DD93 and when SOES may not be used for updates pursuant to interim Code 16 policy.

17. _____ DRAFT: Client-specific DD Form 93, Record of Emergency Data designating a trust as beneficiary of the death gratuity and unpaid pay and allowances, and designating as alternate beneficiary a custodian under the Uniform Transfers to Minors Act or the Uniform Gift to Minors Act where applicable.

18. _____ KNOW: How to draft Servicemembers' Group Life Insurance (SGLI) beneficiary designations for custodial and trust beneficiaries pursuant to Code 16 policy and guidance.

19. _____ DRAFT: Prepare a SGLI Election Certificate, SGLV 8286 designating a trust as beneficiary of the death gratuity and unpaid pay and allowances, and designating as alternate beneficiary a custodian under the Uniform Transfers to Minors Act pursuant to Code 16 policy and guidance.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

6. Family Law (Divorce/Separation, Non-Support, Custody, Adoption, Paternity, Early Return of Dependents, and Name Changes)

Review, sign, and date:

UNIFORMED SERVICES FORMER SPOUSES PROTECTION ACT (USFSPA), 10 U.S.C. §1408.	NJS
MILPERSMAN 1754-030 & 5800-010, SUPPORT OF FAMILY MEMBERS, PATERNITY COMPLAINTS.	NJS
MARINE CORPS MANUAL FOR LEGAL ADMINISTRATION (LEGADMINMAN), MCO P5800.16(SERIES) CHAPTER 15, FINANCIAL SUPPORT OF FAMILY MEMBERS.	NJS
COMMANDANT INSTRUCTION (COMDTINST) M1600.2, CHAPTER 2E SUPPORT OF DEPENDENTS.	NJS
DFAS GARNISHMENT OPERATIONS GUIDANCE ON DIVIDING MILITARY RETIRED PAY, https://www.dfas.mil/garnishment.html	NJS
OPNAVINST 1752.2(SERIES) FAMILY ADVOCACY PROGRAM, ENCLOSURE (8); NAVADMIN 297/10; NAVADMIN 155/12; NAVADMIN 134/13.	
DEPARTMENT OF DEFENSE FORM (DD) 2873, MILITARY PROTECTIVE ORDER (MPO).	
ARMY REGULATION (AR) 608-99, FAMILY SUPPORT CHILD CUSTODY AND PATERNITY.	
AIR FORCE INSTRUCTION 36-2906, PERSONAL FINANCIAL RESPONSIBILITY.	
BUPERSINST 1750.10 (SERIES), IDENTIFICATION CARDS FOR MEMBERS OF THE UNIFORMED SERVICES, THEIR ELIGIBLE FAMILY MEMBERS AND OTHER ELIGIBLE PERSONNEL.	
THE LAUTENBERG AMENDMENT, 18 U.S.C. § 921-22 AND DEPARTMENT OF DEFENSE FORM (DD) 2760.	
THE DFAS SECONDARY DEPENDENCY GUIDE, https://www.dfas.mil/militarymembers/SecondaryDependency/SDC.html	
DoD FINANCIAL MANAGEMENT REGULATION, VOLUME 7B, CHAPTER 29	
MILPERSMAN 1000-130 (NAME CHANGE OF MEMBER)	
CONTINUED HEALTH CARE BENEFIT PROGRAM (CHCBP) Tricare: https://tricare.mil/chcbp; Humana Military: https://www.humanamilitary.com/beneficiary/plans-and-programs/chcbp	
OPNAVINST 1300.15 (SERIES)	
OPNAVINST 1740.4(SERIES), as amended by NAVADMIN 281/14, U.S. NAVY FAMILY CARE PLAN POLICY; DoDI 1342.19 FAMILY CARE PLAN POLICY.	
NAVY PERSONNEL COMMAND FORMS (NAVPERS) 1740/6, FAMILY CARE PLAN CERTIFICATE.	
MILPERSMAN 1300-306	

Initial and Date:

1. NJS_____ DRAFT: Under the supervision of a legal assistance attorney, prepare a military non-support letter using the Code 16 SharePoint at https://portal.secnav.navy.mil/orgs/JAG/16/BO/HDHB.

2. NJS_____ ACCESS: The Defense Finance and Accounting Service's Garnishment Operations website at www.dfas.mil/garnishment.html, paying particular attention to matters relating to child and spousal support and USFSPA.

3. _____ KNOW: The relevant filing procedures, jurisdictional provisions, and substantive bases for seeking marriage dissolution, marital property division, spousal support, name changes, adoption, establishment of guardianship, determination of paternity, child custody, and child support in your command's jurisdiction.

4. _____ ACCESS: The Clerk of the Court websites in your command's jurisdiction and familiarize yourself with their online resources.

5. _____ KNOW: Where to find your state approved mandatory use family law forms. Familiarize yourself with the various forms and when and how to use them.

6. _____ KNOW: The effect and purpose of a separation agreement and Code 16s policy on drafting them.

7. _____ KNOW: Your state's current law regarding alimony (spousal support) for spouses and state-recognized domestic partners.

8. _____ KNOW: Your command's jurisdiction's version of the Uniform Child Custody Jurisdiction and Enforcement Act, paying particular attention to the definitions and jurisdiction provisions.

9. _____ KNOW: Where to find your command's jurisdiction's child support online resources and calculators. Familiarize yourself with the state Child Support Enforcement Agency and know how to use their services to obtain a child support order.

10. _____ ACCESS: State Child Support Enforcement websites to find and practice child support calculations relevant to your command's jurisdiction.

11. _____ ACCESS: The U.S. Department of Health and Human Service's Office of Child Support Enforcement website, www.acf.hhs.gov/programs/cse, paying particular attention to the sources geared toward military members and the links to the various state support agencies.

12. _____ REVIEW: Non-support letter forms available on the Code 16 SharePoint and an actual non-support letter recently sent from your command

13. _____ KNOW: The process for applying for an adult guardianship or conservatorship in your jurisdiction. Know your jurisdiction's laws regarding the duties of a guardian or conservator and the duties of a fiduciary.

14. _____ KNOW: The version of the Uniform Interstate Family Support Act adopted in your command's jurisdiction, paying particular attention to the definitions and jurisdiction provisions.

15. _____ READ: A state-issued voluntary declaration of paternity from your command's jurisdiction. Familiarize yourself with the requirements for properly recording or filing this form in your jurisdiction as well as the legal effect of a voluntary declaration of paternity. Also, familiarize yourself with the process for utilizing this document to establish dependent status in the military.

16. _____ ACCESS: The DFAS adoption reimbursement website, www.dfas.mil/militarymembers/payentitlements/adoptionreimbursement.html, focusing on the source materials available there.

17. _____ KNOW: Local state and military procedures regarding domestic violence cases, including the handling of civilian domestic violence protection orders, the various types of violence injunctions and the standing requirements for each, and the interaction between such protection orders, the Lautenberg Amendment, and the Department of Defense Form (DD) 2760.

18. _____ KNOW: Who is eligible for the Continued Health Care Benefit Program, how long they are eligible for the program, and the specific deadlines for making application for the benefit.

19. _____ KNOW: Contacts for your command's jurisdiction's Child Protective Services and Adult Protective Services.

20. _____ DISCUSS: The procedures regarding the Fleet and Family Support Center's Family Advocacy Program (FAP) and Incident Determination Criteria (IDC) with your Command FAP representative.

21. _____ KNOW: How to find PSD requirements for a child to be enrolled in DEERS, obtain a DoD Identification Card, gain access to medical care, and enroll in DODEA/DODDS schools.

22. _____ KNOW: How to advise and assist a client in effectuating an Early Return of Dependents (ERD) request.

23. _____ KNOW: The ERD provisions in the Joint Travel Regulations (JTR) and the limitations of the effect of a separation agreement on triggering a successful ERD.

24. _____ KNOW: Military and civilian requirements to change a member's name, including requirements with the member's command, the member's state, the Social Security Administration, the member's Department of Motor Vehicles, and bank accounts. Review other entities which may require notice of the member's name change, including: the post office, utility companies, credit card companies, school and alumni associations, landlord or mortgage companies, voter registration offices, investment account providers, the State Department (if passport changes are required), and airlines (list is not exclusive).

25. _____ KNOW: How a legal assistance attorney discusses name change issues during a client interview.*

26. _____ KNOW: How a legal assistance attorney discusses step-parent adoption issues during a client interview.*

27. _____ KNOW: How a legal assistance attorney discusses guardianship issues during a client interview.*

28. _____ OBSERVE: A legal assistance attorney discuss paternity issues during a client interview.*

29. _____ OBSERVE: A legal assistance attorney discuss child support issues during a client interview.*

30. _____ OBSERVE: A legal assistance attorney discuss child custody issues during a client interview.*

31. _____ OBSERVE: A legal assistance attorney discuss military non-support during a client interview.*

* Department Head/PDO may conduct a mock of any of these items to demonstrate the proper consultation components to develop the jurisdictional analysis and point to the proper forms for the jurisdiction in which the case must proceed.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

7. Property & Landlord/Tenant Disputes

Review, sign, and date:

SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA), 50 U.S.C. §§ 3901-4043	NJS
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FORECLOSURE AVOIDANCE PROGRAMS (WEBSITE)	

Initial and Date:

1. NJS_____ REVIEW: SCRA protections for members regarding evictions and distress, installment contracts for purchase or lease, mortgages and trust deeds, and terminations of residential or motor vehicle leases.

2. NJS_____ REVIEW: When and how to refer clients to the ABA Pro Bono Military Law Project, Legal Aid, and other attorneys.

3. _____ REVIEW: Your state's landlord-tenant, foreclosure, and eviction laws including legality of pet deposits, refunds of security deposits, preliminary walk-through rights and right to repair and offset rent, if any.

4. _____ READ: A typical residential lease relevant to your jurisdiction.

5. _____ KNOW: Basic information about civil procedure in your state including but not limited to local service of process requirements, common defenses, response times and limitations periods.

6. _____ KNOW: Basic information about your jurisdiction's housing court, if one exists.

7. _____ KNOW: What a 'Purchase and Sale' (P&S) agreement is, and your jurisdiction's law regarding the buyer's and seller's liabilities.

8. _____ KNOW: What a 'short sale' is, and discuss with a supervisor the potential consequences for a member's credit report, security clearance, finances, timing differences between a short sale and a traditional sale, and the differences in buyer and seller liabilities.

9. _____ DISCUSS: With a supervisor the landlord-tenant, foreclosure, and eviction issues most commonly seen in your office.

10. _____ OBSERVE: A legal assistance attorney advising a client regarding his/her rights under a residential lease.

11. _____ OBSERVE: A legal assistance attorney advise a member on options for dealing with a possible home foreclosure. (If not possible within first 2 months, discuss with your Department head.)

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

8. Military Rights/Benefits (SCRA, USERRA)

Review, sign, and date:

SERVICEMEMBER'S CIVIL RELIEF ACT (SCRA), 50 U.S.C. §§ 3901-4043	NJS
UNIFORMED SERVICE EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT (USERRA), 38 U.S.C. §§4301–4335.	NJS
REVIEW THE SCRA LETTER FORMS AVAILABLE ON CODE 16 SHAREPOINT. REVIEW SCRA LETTERS ON A VARIETY OF SUBJECTS (E.G., STAY REQUEST AND REDUCTION OF INTEREST RATE TO 6%) PRODUCED BY YOUR OFFICE.	NJS
REVIEW THE EMPLOYER SUPPORT OF GUARD AND RESERVE (ESGR) WEBSITE at http://esgr.mil/AND BECOME FAMILIAR WITH THE USERRA SUPPORT SERVICES PROVIDED BY THE ESGR.	
DEPARTMENT OF VETERANS AFFAIRS GI BILL PROGRAM.	
JOINT TRAVEL REGULATIONS (JTR) CHAPTER 5, PART A, SUBSECTION C, PAR5102A AND 5102B	
DOJ SERVICEMEMBERS AND VETERANS INITIATIVE WEBSITE AT https://www.justice.gov/crt-military	
FTC.GOV ACTIVE DUTY ALERTS https://www.consumer.ftc.gov/articles/0273-active-duty-alerts	
20 U.S.C. §§1078 & 1078-10 to-1078-12 (FEDERAL FAMILY LOAN EDUCATION PROGRAM); 20 U.S.C. §1087e (FEDERAL DIRECT LOAN PROGRAM); 20 U.S.C. §§1087dd & 1087ee (FEDERAL PERKINS LOAN PROGRAM).	

Initial and Date:

1. NJS_____ KNOW: Federal decedent and survivor benefits including but not limited to Survivor Benefit Plan (SBP); VA Benefits including Dependency and Indemnity Compensation (DIC), VA Pension, Casualty Assistance Calls Officer (CACO) issues, as well as local VA offices and points of contacts.

2. NJS_____ KNOW: What the Survivor Benefit Plans (SBP) are, what their advantages and disadvantages are, deadlines for applying for SBP, and who clients should contact with specific questions about SBP or DIC.

3. NJS_____ KNOW: When proceedings can be stayed pursuant to the SCRA and how to effectively implement a stay request.

4. NJS_____ KNOW: When the SCRA 6% cap on interest rates applies.

5. NJS_____ KNOW: When and how the SCRA applies to dependents.

6. _____ KNOW: Relevant city, county and state rules, regulations, and statutes particular to your location offering special protections and benefits to service members and their dependents (e.g., "State SCRAs" and special in-state tuition rules).

7. _____ KNOW: Tax issues particular to your location, such as state domicile/legal residency requirements, state income taxation, real and personal property taxes, and vehicle registration and use taxes.

8. _____ KNOW: Local procedures of how a guardian or attorney ad litem is appointed.

9. _____ REVIEW: A Military Affidavit/Affidavit of Military Status form filed pursuant to state rules of court in the jurisdiction within which the pleadings are to be filed whenever a request for default is made.

10. _____ KNOW: When a default judgment can be set aside pursuant to the SCRA and state and local rules of court and procedures for setting aside default judgments.

11. _____ DRAFT: An SCRA lease termination letter using the Code 16 SharePoint HotDocs Hold Box template.

12. _____ REVIEW: Members' rights under USERRA using the following resources: DOL Pamphlet (https://www.dol.gov/vets/programs/userra/USERRA_Private.pdf), DOL website (https://www.dol.gov/vets/programs/userra/).

13. _____ KNOW: Procedures for requesting that Code 16 refer a case to Department of Justice.

14. _____ REVIEW: Code 16 SharePoint related materials on towing related SCRA violations.

15. _____ KNOW: How to assist servicemembers with placing 'credit bureau deployment alerts', also known as "Active Duty Alerts".

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

9. Consumer Law (Fraud, Abuse, Creditor/Debtor, Predatory Lending)

Review, sign, and date:

MILITARY LENDING ACT, 10 U.S.C. §987.	NJS
FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §§1692–1692p.	NJS
OPNAVINST 1620.2(SERIES), ARMED FORCES DISCIPLINARY CONTROL BOARD.	NJS
TRUTH IN LENDING ACT, 15 U.S.C. §§1601–1667f AND TRUTH IN LENDING REGULATION Z, 12 C.F.R. Part 226.	NJS
FAIR CREDIT REPORTING ACT, 15 U.S.C. §§1681–1681x.	NJS
MAGNUSSON-MOSS WARRANTY ACT, 15 U.S.C. §§2301–2312.	
USED MOTOR VEHICLE TRADE REGULATION RULE, 16 C.F.R. Part 455.	
FEDERAL ODOMETER ACT, 49 U.S.C. §§32701-32711.	
MILPERSMAN 7000-020, INDEBTEDNESS AND FINANCIAL RESPONSIBILITY OF MEMBERS.	

Initial and Date:

1. NJS_____ REVIEW: The resources available on the Consumer Financial Protection Bureau's website, www.consumerfinance.gov, paying particular attention to the process for filing a consumer complaint and the materials aimed at military members and veterans. See www.consumerfinance.gov/servicemembers.

2. _____ REVIEW: Your state consumer protection agency websites. Familiarize yourself with which agencies regulate particular businesses, including collection agencies, automobile dealerships, health clubs, contractors, retail installment sales and real estate.

3. _____ KNOW: How to use your state's online resources and other databases to look up a business's license and status.

4. _____ DISCUSS: With your supervisor your office's experiences with local predatory lending practices, with specific reference to: bank or debit card fees/overdraft fees/prepaid credit card fees, cash advances, pay day loans, and title loans.

5. _____ DISCUSS: With your supervisor how to file a complaint against a regulated business.

6. _____ REVIEW: The resources available on the Federal Trade Commission's identity theft website, paying particular attention to "Military Personnel & Families Fighting Back Against Identity Theft" and "Active Duty Alerts Help Protect Military Personnel from Identity Theft."

7. _____ ACCESS: www.annualcreditreport.com and become familiar with the procedures for obtaining a free copy of your credit report.

8. _____ REVIEW: Your state's consumer protection laws, such as laws protecting consumers from deceptive trade practices, unfair debt collection practices, and "lemon" automobiles.

9. _____ KNOW: The local process for forwarding cases to the Armed Forces Disciplinary Control Board.

10. _____ KNOW: Local small claims court procedures including the jurisdictional limits.

11. _____ KNOW: Basic information about civil procedure in your state including but not limited to local service of process requirements, common defenses, response times and limitations periods.

12. _____ DISCUSS: With a supervisor the consumer issues most commonly seen in your office, with specific reference to auto fraud, door-to-door sales violations, identity theft, lending fraud, mortgage fraud, and deceptive acts and practices violations.

13. _____ DRAFT: A debt validation letter under the Fair Debt Collection Practices

    Act using https://portal.secnav.navy.mil/orgs/JAG/16/BO/HDHB.

14. _____ KNOW: How debt affects security clearances and how to advise a client undergoing bankruptcy proceedings.

15. _____ ATTEND: A Command Financial Specialist legal brief.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

10. Naturalization and Immigration

Review, sign, and date:

8 U.S.C. §§1101–1504, FOCUSING ON §§1427, 1430, 1431, 1433 & 1439 TO 1440-1.	NJS
MILPERSMAN 5352-010: NATURALIZATION AND DERIVED CITIZENSHIP OF MILITARY PERSONNEL	NJS
MOST RECENT LEGAL ASSISTANCE PRACTICE ADVISORIES CONTAINING IMMIGRATION OR NATURALIZATION GUIDANCE LOCATED ON THE CODE 16 SHAREPOINT	NJS
USCIS "HOW DO I?" GUIDES AND FORMS	
USCIS FORMS I-129F, I-130, I-485, N-400, and N-426.	
"U.S. NAVY GUIDE TO NATURALIZATION APPLICATIONS BASED UPON QUALIFYING MILITARY SERVICE".	
AMERICAN IMMIGRATION LAWYERS ASSOCIATION'S MILITARY ASSISTANCE PROGRAM.	

Initial and Date:

1. NJS_____ ACCESS: The U.S. Citizenship and Immigration Services (USCIS) website at www.uscis.gov and the USCIS website for military families at http://www.uscis.gov/military. Take note of the USCIS dedicated Military Hotline number, 1-877-CIS-4MIL (1-877-247-4645), for help with immigration services and benefits.

2. NJS_____ DISCUSS: With a supervisor Parole-in-Place (PIP) including when PIP would be appropriate, who qualifies for PIP, the potential bars to requesting PIP, the documents necessary to make a PIP request and the local procedures to make the request.

3. NJS_____ KNOW: Requirements to obtain a Certificate of Birth Abroad and passport for newborn U.S. citizens.

4. NJS_____ KNOW: Potential bars to immigration for prospective spouses and/or dependents.

5. NJS_____ KNOW: The requirements of military members desiring to marry a foreign national overseas, including notification to their Commanders.

6. _____ KNOW: Your local USCIS or Consulate points of contact for immigration and naturalization issues.

7. _____ READ: The most current Visa Bulletin found at https://travel.state.gov/content/visas/en/law-and-policy/bulletin.html.

8. _____ KNOW: How to refer a client to the American Immigration Lawyers Association and its referral service at www.aila.org.

9. _____ OBSERVE: A legal assistance staff member (attorney, Regional Citizenship Program Manager, or Naturalization Area Coordinator) discuss a military naturalization matter with a Service Member during a client interview.

10. _____ KNOW: How to prepare and assemble a facilitated naturalization packet utilizing the "U.S. Navy Guide to Naturalization Applications Based upon Qualifying Military Service."

11. _____ OBSERVE: A legal assistance attorney discuss an immigration matter with a non-service member with a client or with a service member who seeks to sponsor an immigrant dependent.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

11. Tax Law and Volunteer Income Tax Assistance (VITA)

Review, sign, and date:

INTERNAL REVENUE SERVICE PUBLICATION 3, ARMED FORCES TAX GUIDE, PAYING PARTICULAR ATTENTION TO THE EXTENSIONS AVAILABLE TO OVERSEAS AND DEPLOYED MEMBERS AND THE COMBAT ZONE EXCLUSION.	
OJAG CODE 16 STATE TAX GUIDE (CURRENT YEAR)	

Initial and Date:

1. _____ REVIEW: Military OneSource tax resources.

2. _____ KNOW: IRS Tax Exclusion for Combat Service rules (https://www.irs.gov/individuals/military/tax-exclusion-for-combat-service).

3. _____ DISCUSS: With your supervisor how your office operates/participates in the Volunteer Income Tax Assistance (VITA) program.

4. _____ DISCUSS: With your supervisor their experiences with client issues involving IRS notices, state tax notices, and how they resolved these issues.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

12. Pre-Deployment/Pre-Mobilization Readiness

Review, sign, and date:

CODE 16 STANDARD PRE-DEPLOYMENT LEGAL BRIEF POWERPOINT	NJS

Initial and Date:

1. _____ OBSERVE: Pre-deployment/pre-mobilization brief delivered by another legal assistance attorney.

2. _____ EXECUTE: A pre-deployment/pre-mobilization brief under the supervision of another legal assistance attorney.

3. _____ OBSERVE: The Code 16 pre-deployment brief.

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

LEGAL ASSISTANCE ATTORNEY

RECOMMENDED_____ DATE_____
(PDO/Civilian SME/Branch/Department Head)

I CERTIFY THAT_____ HAS COMPLETED THE PROFESSIONAL DEVELOPMENT STANDARDS REQUIRED OF A LEGAL ASSISTANCE ATTORNEY.

_____ DATE_____
Commanding Officer
[Command]

[Once complete, command retains a copy of this page and the original goes to Officer for retention]