



MCCHORD'S LEGAL "EASE"

Volume 1, Issue 5

62 AW/JA

December 2016

Serving Outside of the Military: *Jury Duty*

Now, this is a story all about how your life gets flipped turned upside down, now if you have a minute, just sit right there, and I'll tell you about a little thing called *voir dire*.

Voir dire is the process by which members are selected to sit on a jury. Jury service is one of the most important civic duties—it is one of the ways you can actively participate in the protection of Americans' rights and liberties, as well as to help enforce the laws that all Americans are expected to abide by. It is not something that you should try to evade; however, there are certain circumstances that necessitate exemption.

Jury Duty Exemptions

Section 9D of AFI 51-301 discusses the procedures for exemption.

The following military members *may* be eligible for exemption:

- General officers, commanders, operating forces personnel in training, and personnel stationed outside the U.S.;
- Military members, when jury duty would *unreasonably interfere* with his/her military duties; and
- Military members, when jury duty adversely affects the readiness of a unit, command, or activity to which the member is assigned.



Even if you believe you are exempt, **DO NOT** just ignore the summons! When you receive a summons, you must inform your immediate commander. If you are exempt under the first bullet point in this article, then your immediate commander will notify the issuing state or local official.

If you fall under the other two bullet points, your immediate commander will decide whether exemption is appropriate under the circumstances. If he/she decides the exemption would be inappropriate, you **MUST** serve. If he/she decides the exemption is appropriate, then he/she will still need to forward the request to the special court-martial convening authority for approval. For us, that is 62 AW/CC. If he decides exemption is inappropriate, you **MUST** comply with the summons. If he approves the exemption, then he will tell your immediate commander to send a written notice of the exemption to the issuing state or local official.

As a side note, if you maintain your prior residence from another state, any summons you receive will be from that jurisdiction and not the local area. While there should be an exemption for military members being out-of-state while on active duty status, make sure you follow the instructions on the summons carefully, as each state will have different procedures. If the summons does not give detailed instructions, make sure to call; do **NOT** ignore the summons!

If NOT Exempt...

Even if you **DO** need to comply with the summons, and thus show up for jury duty, that does not mean you'll automatically be selected to be a member on the jury. You must go through the *voir dire* process.

Your jury duty service will not affect your leave, nor deduct from your pay or other entitlements during your service. However, any fees that you're given for your service must be paid to the U.S. Treasury. Notwithstanding that, you may keep any reimbursement received for expenses incurred in the performance of jury duty, such as transportation costs or parking fees.

Remember: your civil service is an honor, a duty, and a privilege. It should also be a **FUN** experience to learn about the inner workings of the American court system (although we may be biased at the legal office). Enjoy serving your county or state with the same integrity, service, and excellence that you bring to our Air Force.

Contents

- **Serving Outside of the Military: *Jury Duty***
- **The Holiday How-Tos...**
- **What's Been Going on in Military Justice?: *November 2016***
- **Government Travel Card: *Use It Right or Pay the Price!***
- **Considering a Career Change? *Become a Paralegal***
- **JAGs on the Job**



DISCLAIMER: Nothing in this newsletter constitutes legal advice.



Happy Holidays!



The Holiday How-Tos...

Gift Giving

With the holidays around the corner, you may be wondering whether you may give a gift to a supervisor or individual above you in your chain of command. Here are some guidelines:

First, what is considered a gift? A gift is anything of monetary value, such as cash, meals, paperweights, trips, concert tickets, services, etc. Gifts do not include modest refreshments or items of little intrinsic value, such as greeting cards and certificates.

Second, what are the broad "rules of thumb" for gifts between employees? Apart from a few exceptions below, you may not give a gift, or contribute to a gift, for your official superior. You may also not solicit a contribution from another employee for a gift for either your or that employee's current superior. Also, you may not accept a gift from someone who is paid less than you, unless that person is not your subordinate and a personal relationship justifies the gift.

Third, who is an official supervisor? This is anyone who has responsibility for your official performance evaluation and anyone above your supervisor in the chain of command.

What about the exceptions?

- **Occasional basis:** you may give gifts of \$10 or less to a superior on a non-routine, occasional basis (e.g., birthdays & holidays). NOTE: it does not matter if you did not pay for the gift. For example, if you won a \$20 pair of headphones playing bingo, you may not give that to your superior; the value calculated is the retail price as if the recipient had to purchase it.
- **Special, infrequent occasions:** in these situations, such as a marriage, death in the family, illness, or birth/adoption of a child, you may give gifts, or contribute money towards gifts, to an official supervisor and accept them from subordinates. You may give more than \$10; however, you may not request that fellow employees give more than \$10, though they may do so on their own. Caveat: a group gift may not exceed \$300 in value.

As for supervisors, there are generally no rules as to the amount of money spent on gifts for subordinates; however, you must be careful not to create any appearance of favoritism.

Religious Decorations

Some of you may see religious decorations around base and wonder if that's allowed. Holiday cards, a large lighted tree, or a multi-cultural holiday display is not an unconstitutional establishment or endorsement of religion as long as the overall display is secular and avoids endorsement. Religious items *may* be included in these displays; however, they cannot be placed in a more distinctive, favorable, or significant location. For example, a nativity scene may not be placed at the 62 AW headquarters, while a menorah is placed at a smaller, less frequented part of base. Nativity scenes and menorahs are almost exclusively religious in nature; as such, those items should not be displayed alone. They should be displayed only on chapel grounds, or as part of a larger secular or multi-cultural display elsewhere.

What's Been Going on in Military Justice?: November 2016

Rank	Offense/Basis	Type of Action	Outcome
E-6	Willful Dereliction of Duty: Misuse of a GTC	Non-Judicial Punishment (Article 15)	Guilty Reduction to E-5 (suspended) Reprimand
E-4	Failure to Obey a Lawful Order Failure to Go	Non-Judicial Punishment (Article 15)	Guilty Forfeitures: \$550.00 (suspended) 3 days extra duty Reprimand
E-3	Wrongful Use of Marijuana	Non-Judicial Punishment (Article 15)	Guilty Reduction to E-2 Reprimand
E-3	Willful Dereliction of Duty Absence Without Leave for 3 days or less Failure to Go	Non-Judicial Punishment (Article 15)	Guilty Reduction to E-2 Reduction to E-1 (suspended) Reprimand



“A member can be tried at a court-martial or receive nonjudicial punishment... for any unauthorized usage of their GTC or for not paying their GTC on time and/or in full.”



Government Travel Card: Use It Right or Pay the Price!

“I understand that the government travel charge card program is designed to improve the management, efficiency, and control of government travel. I also understand that I am authorized to use the card only for those necessary and reasonable expenses incurred by me for official travel. I will abide by these instructions issued by the Department.”

These words are right out of the Statement of Understanding (SOU) that we all sign when we are issued a Government Travel Card (GTC). Very simple and uncomplicated; we use our GTC for NECESSARY and REASONABLE expenses incurred for OFFICIAL TRAVEL. As Airmen, we have a duty to abide by all rules and regulations set forth by the Air Force, and using our GTC properly is no exception. The GTC program is based on our responsibility to live by our core value “Integrity First.” Our units entrust us with these travel cards to assist us while on official travel; other than for that very specific reason, our GTC should be collecting dust in a secure location. We have a duty to maintain our integrity and our word after signing the SOU.

Misuse of the GTC and its program WILL NOT be tolerated at any level. Commanders and First Sergeants are ensuring that if a member is misusing their GTC, that member is being held accountable and punished accordingly. Among other disciplinary actions, a member can be tried at a court-martial, or receive nonjudicial punishment (Article 15) under the Uniform Code of Military Justice (UCMJ), Article 92, Dereliction of Duty, for any unauthorized usage of their GTC or for not paying their GTC on time and/or in full. Although a GTC is not your own personal credit card, it can and will affect your credit and career if you do not maintain your financial responsibilities.

Remember, the GTC program is here to help you, and as long as you are responsible with how you utilize the program, it will continue to benefit you. If you have any questions regarding the GTC program and your responsibilities, refer to your “Government Services Travel Card Program Cardholder Account Agreement” or speak with your unit GTC Program Monitor. Don’t be that Airman who lacks integrity, be the Airman who exemplifies it!

Considering a Career Change? Become a Paralegal!

Have you thought about retraining? The paralegal career field offers sharp Airmen an opportunity to not only defend our nation physically, but also through our legal system. As a paralegal, your responsibilities are to assist attorneys in providing superior legal guidance to commanders, first sergeants and other key personnel on a broad spectrum of legal matters playing a significant role in good order and discipline. Paralegals support virtually all areas of the legal office, to include military justice, legal assistance, operations readiness, contract and environmental law. Under the supervision of attorneys, you will conduct legal research, interview victims and witnesses, draft legal reviews and opinions, prepare wills and powers of attorney, fulfill the responsibilities of the defense paralegal, and more. To become a paralegal, all nominees selected must first attend the Paralegal Apprentice Course (six weeks) taught at The Judge Advocate General School, Maxwell AFB, AL.

Eligibility Requirements:

- Complete personal interview
- Type minimum of 25 wpm
- Minimum general AQE score of 51
- No derogatory information; no previous courts-martial convictions; and no Art 15s in previous 6 years
- Letters of Recommendation from Supervisor, First Sergeant, & Commander
- Ability to communicate effectively in writing
- Absence of any speech impediments and ability to speak English clearly & distinctly

Points of Contact:

MSgt Gabrielle Prebula
Law Office Superintendent
Comm: (253) 982-6574/6305
DSN: 382-6574/6305

Email: gabrielle.prebula@us.af.mil

TSgt Marc Henderson
NCOIC

Comm: (253) 982-6568/6305
DSN: 382-6568/6305

Email: marc.henderson@us.af.mil



JAGs on the Job

Major Thompson, 62 MXS/CC, gave the JA office a tour and mission brief on Wingman Day. Of course, we had to get a photo in front of a C-17!



McChord Field Office of the Staff Judge Advocate

100 Col Joe Jackson Blvd, Suite 3031
JBLM, WA 98438
(253) 982-6305

The Office of the SJA *only* provides legal assistance (Wills & Powers of Attorney) for personnel departing on contingency operations on short notice who cannot be seen by the satellite or the Fort Lewis Legal Assistance Office.

Mon/Wed: 0730-1630
Tu/Thurs/Fri: 0730-1500.

McChord Field Satellite Legal Assistance Office

100 Col Joe Jackson Blvd, Suite 1082
JBLM, WA 98438
(253) 982-5513

Legal assistance is available to authorized DoD ID cardholders, by appointment only, to discuss personal civil legal matters, such as wills and estate planning, domestic relations, landlord/tenant issues, & consumer affairs. Attorneys *cannot* discuss criminal law issues, nor provide advice over the telephone.

Walk-in notary services & Powers of Attorney are available M-F, 0800-1600. Call to schedule an appointment for other matters.

Online Legal Assistance

<https://aflegalassistance.law.af.mil/las/las.html>