



UNCLASSIFIED



Welcome to USAG Bavaria Legal Briefing

Office of the Staff Judge Advocate



Legal Assistance Office

- **Building 216**
- **Hours: 0900 – 1600**
 - Wednesday: Walk-in legal assistance only, no appts
 - Thursday: Not open until 1300
 - Friday: Closes at 1500

1. Walk-Ins

- Powers of Attorney
- Notaries

2. Attorneys

- Legal Assistance Issues
- German Matters
- Special Victims Counsel

3. Claims Office



Powers of Attorney

- **General POA or Special?**
- **Ask the 3rd Party before getting a POA :**
 - Do they accept POAs?
 - If so, what kind?
- **Should have Expiration Date**
- **Revocation of a Power of Attorney**
 - Obtain the original and destroy it
 - Notify creditors, bank, or business institutions by sending a Power of Attorney Revocation



Mission of Legal Assistance

Services

Legal Counseling

Draft

 Legal Documents

 Legal Correspondence

Legal Research

Conduct Negotiations

Estate Planning

Tax Planning

Military Administrative
 Proceedings

Cannot file documents at court

Cases

Family Law

Estate Planning

Real Property

Personal Property

Economic

Immigration/Naturalization

Military Administrative

Torts

Taxes

Civilian Criminal



Special Victim Counsel

- **Who:** Special Victim Counsel (SVC) are lawyers who have received special training and are designated by The Judge Advocate General to serve as a SVC.
- **Purpose:** SVCS zealously represent the best interests of their clients as appropriate even when their client's interest do not align with those of the government of the United States.
- **Duty:** A SVC's primary duty is to his/her client and no other person, organization or entity.



Claims

- **Household Goods/Unaccompanied Baggage**
 - > Damaged/Lost/Stolen During PCS
 - ❖ DPS system (TSP processor)
 - 30 days to offer settlement of claims under \$1000
 - 60 days for claims over \$1000
 - Can accept/reject/counter
 - No settlement = transferred to Military Claims Office (MCO)
 - > Damaged/Lost/Stolen After PCS
 - ❖ PCLAIMS+
- **POVs**
 - > VPC Settlement on-site (or report within 48 hours)
 - > No settlement within 90 days -> PCLAIMS+



Claims

- **In-Office (MCO)**
 - > Tort Claims
 - ❖ Against US government
 - ❖ Negligent act or omission by government personnel causing injury/damage to private property.
 - ❖ *Within scope of duty*
 - > Article 139 UCMJ Claims
 - ❖ Against another SM
 - ❖ Wrongfully taken or willfully damaged by another SM.
 - ❖ Must process before criminal UCMJ action completed.
 - ❖ *Outside scope of duty*
 - > Questions about the HHG/POV claims or DPS/PClaims+ systems



Legal Highlights

- **Service Members Civil Relief Act (SCRA)**
- **Immigration**
- **Estate Planning (Wills)**
- **German Contracts**
- **Common Legal Issues in Germany**



Service Members Civil Relief Act (SCRA)

- **Applicability:**
 - Applies to issues that arose within the States
 - Does not apply to issues arising in Germany
- **Protections:**
 - 6% interest rate on loans incurred before military service
 - Temporary stay of Civil Court proceedings
 - Letters from Soldier and CO to the court
 - Stay automatic for 90 days, longer upon request
 - Re-open Default Judgments
 - Must show meritorious defense
 - Up to 60 days after ETS or Retirement
 - Other provisions for cellphones, leases, mortgage foreclosures, taxes, and evictions
- **If you think an individual is violating your SCRA rights, come see legal!**



Immigration

- **Immigration Services:**
 - Immigration Visa
 - Start at least one year before PCS
 - About \$1,000 per immigrant
 - Naturalization
 - Parole in place
 - Other
- **Additional Concerns:**
 - Come speak to legal prior to marrying a non-U.S. citizen
 - Immigration law is extremely nuanced – don't act without speaking to an attorney



Who needs a will?

- **Single no Kids:**
 - Without a will your property goes to your Parents or is split between your Parents and Siblings
- **Married no Kids:**
 - See Legal, may be split between spouse and parents
- **Soldiers (single or married) with children:**
 - Need will
 - Spouse should have one, too



German Contracts

- **If you take a cell phone downrange, you will have international roaming charges**
- **German Companies are not subject to US Laws!**
 - Automatic Renewal Clauses
 - Early Termination Fees
 - No “deployment clauses”
 - Understand contract before signing
 - Legal Assistance can review before you commit!
- **German companies usually do not suspend the plan for deployment**
 - If your provider says it does, GET IT IN WRITING



Common Legal Issues In Germany

- **Illegal Downloading**
 - Can cost you ~ €1000 PER DOWNLOAD
- **Riding the Train Without a Ticket**
 - Download the DB Navigator app and look for regional offers to save money
- **Prostitution**
 - Violates the UCMJ
- **DUIs**
 - (see next slide)



Common Legal Issues in Germany

- **DRIVING UNDER THE INFLUENCE**
- **BAC limit in the U.S. is:**
 - .08
- **BAC limit in Germany is:**
 - .05
- **BAC limit in Czech Republic is:**
 - .00

Common Legal Issues in Germany

- You can receive a DUI:
 - Driving a car
 - Riding an e-scooter
 - Riding a bicycle
 - Passing out in the street and obstructing traffic





Common Legal Issues in Germany

- **Other DUI Concerns:**

- **German beer**
 - Strength: Augstiner, Paulaner, and Hofbräu all above 6%
 - Size: 1 liter = 34 ounces
- **Late-morning DUIs**
- **Polizei ARE allowed to breathalyze you & draw your blood**
 - Part of your agreement for USAREUR License
- **Lack of ride-sharing services**

Common Legal Issues in Germany



CNN politics

The Biden Presidency

Facts First

US Elections

Audio

US troops in Germany banned from alcohol after scooter incidents



By [Barbara Starr](#), CNN Pentagon Correspondent
Updated 1949 GMT (0349 HKT) July 14, 2022



MORE FROM CNN



Look of the Week
boots were mad



Analysis: If Chen
primary, Trump's
will...



(CNN) — A US Army brigade in Germany has been confined to its base during evenings and temporarily banned from consuming alcohol, a spokesman for the Army said Thursday, after five

Advertiseme



Legal Assistance, SVC and Claims Offices:

- **7th ATC web-page**
 - <https://www.7atc.army.mil/SJA/>
- **Rose Barracks LAO & Claims**
 - Location: Building 245
 - DSN 599-7717 **or** 09641-70-599-7717
- **Tower Barracks (Graf) LAO & Claims**
 - Location: Building 216
 - DSN 569-0538 **or** 09641-70-569-0538
- **Special Victim Counsel (SVC)**
 - Location: Building 106 (Tower Barracks)
 - DSN 569-2866 **or** 09641-70-569-2866





Trial Defense Service

We defend you.

“Defending those who defend America”

- **Duty:**
 - We are here to help you, as best we can, through a UCMJ action.
We do not belong to any command here in Europe.
- **Where:**
 - BLDG 245, Rose Barracks, Vilseck, Third Floor.
- **When:**
 - Monday, Tuesday, Wednesday, and Friday from **0900-1130**.
 - All days **1300-1600**.



Trial Defense Service

- **Who:**
 - **DSN:** 314-599-7737; 314-599-7744
 - **EMAIL:** usarmyy.bavaria.7atc.mbx.trai1-defense-services@army.mil
 - **Commercial line:** 09641-70-5997737 or 7744.
 - Attorneys: One 1LT, five CPTs, two MAJs.
- **What?**
 - Investigations and Suspect Rights
 - Article 15s, Separations, Courts-Martial
 - Some GOMORs
 - Some other Administrative Boards.
 - If you have a question, submit a ticket and ask.





Trial Defense Service

- 1. You have the right to remain silent. Use it.**
- 2. Be prepared for a long haul.**
- 3. Minimize risks.**
- 4. Do not trust CID, MPs, German Polizei, or anyone asking you questions about something that did, or did not happen.**



Trial Defense Service



**Rule #1:
Shut up.**



**CID and MP are not your friends.
Your story will not exonerate you; they will not believe you.
They will look for anything to find you guilty.
They will not look for anything to show your innocence.**