



Legal Briefs

From the Fort Knox Legal Assistance Office

HIRING A CIVILIAN ATTORNEY

The Army Judge Advocate General's Corps - Legal Assistance Services:

All active-duty (and in some instances, reserve) Soldiers, Sailors, Airmen, Marines, their family members, and military retirees from all armed forces are eligible for free legal assistance provided by the Army Judge Advocate General's Corps. The mission of every Army Legal Assistance Office is to help, advise, and counsel eligible persons with their personal legal matters. Personal legal matters include the preparation and execution of wills, powers of attorney, and advance medical directives, and counseling on family law, landlord/tenant law, consumer credit transactions, real property transactions, and federal and state taxation.

As a part of the Army, a judge advocate's true expertise is in assisting soldiers in preparing rebuttals, statements or appeals to Army administrative actions including reports of survey, reprimands, bars to reenlistment, reduction boards, line-of-duty investigations, OER or NCOER appeals, and proposed reassignments from recruiting duty.

Hiring a Civilian Attorney:

In certain situations, military legal assistance attorneys cannot resolve your problem. Military regulations restrict our ability to represent service members in civilian court, or to prepare documents that will be filed with a civilian court. In those situations it is necessary for military personnel to obtain an attorney from the private sector who has the expertise and the knowledge to assist with filing documents and making court appearances. Those situations most often involve civilian criminal matters, divorce, separation, paternity or other family related matters, personal injury cases, or matters destined for small claims court. Once you hire a civilian attorney, that attorney is your advocate on the case. You should work only with your civilian attorney to resolve your legal issues. Legal Assistance cannot assist you on an issue that is already being handled by a civilian attorney.

Magistrate's Court - Civilian Court for Fort Knox:

Legal assistance attorneys cannot appear with clients in Magistrate's Court. Magistrate's Court is the civilian court at Fort Knox. The Court hears cases involving alleged misconduct that occurred on the installation. Traffic tickets are perhaps the largest part of the Court docket. Legal assistance attorneys can discuss civilian criminal charges with service members, and they can help the person decide whether the charge is serious enough that a civilian attorney should be hired.

Civilian Attorney Referral List:

The Legal Assistance Office maintains an up-to-date list of civilian attorneys in the Radcliff/Elizabethtown area and in Louisville. The list has names, office locations, telephone numbers, and a brief description of the type of law they practice. Like any other profession, some attorneys specialize in the practice of particular types of law. In hiring a civilian attorney, service members must be careful to hire one with expertise in the area of law matching their personal legal situation.

Do You Need an Attorney - Can You Handle the Problem Yourself?

Legal assistance attorneys can help you decide if you need a civilian attorney. In making that decision, remember there are many things individuals can do for themselves without the aid of an attorney. Small claims court is

a great example. If someone owes you a small sum of money, small claims court allows you the opportunity to have a judge order payment of that money. In Kentucky, small claims court can hear matters valued at up to \$1,500. You do not need an attorney for small claims court. You can do it yourself. Minor traffic tickets are another example. If you receive a speeding ticket you believe is not warranted, you have the right to appear in court to contest the ticket and you are not required to have an attorney.

The expertise of an attorney is always advisable in complicated situations where a large sum of money is involved or where a criminal charge is substantial.

Negotiating Fees:

Civilian attorneys will charge a fee for their services, but the fees are often negotiable. If you are on a tight budget, you may have to “shop around” a bit to find an attorney who can assist you within the limits of your financial ability. Most attorneys are willing to work on a payment plan with monthly or other periodic payments to cover the full cost of representation.

Depending on the nature of your case, an attorney may agree to represent you based on a contingency. A contingency arrangement is where the attorney agrees to represent you for free but is entitled to a percentage of what you gain from the law suit. For example, in a personal injury case, the attorney may not charge by the hour, but will receive 30 to 40 percent of any settlement or judgment. Other cases, such as a divorce or other family law proceedings, are not appropriate for contingency arrangements. In those cases a retainer (amount paid up front) and hourly charges may be required.

Your agreement with the attorney is a contract. Negotiation on the terms of the agreement must occur **before** you enter into the contract. In finalizing the contract, be sure to get it in writing, and be sure to require that you get a periodic itemized bill showing exactly what the civilian attorney did on your behalf.

If you have any questions concerning these matters, please call the Legal Assistance Office for an appointment at (502) 624-2771 or visit our website at www.knox.army.mil/center/sja/. Our hours of operation are Monday, Tuesday, Wednesday and Friday, 0900 – 1600, and Thursdays 1300-1600. The Fort Knox Legal Assistance Office is located in Building 1310, Pike Hall at the corner of Knox and Third Street.
