

**BY ORDER OF THE COMMANDER  
ROBINS AIR FORCE BASE**

**ROBINS AIR FORCE BASE  
INSTRUCTION 51-304**



**19 AUGUST 2021**

**Law**

**EXPANDED LEGAL  
ASSISTANCE PROGRAM (ELAP)**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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OPR: 78ABW/JAC

Certified by: 78ABW/JA  
(Colonel Tiaundra S. Moncrief)

Supersedes: WR-ALC/JA OI #2,  
12 July 1999

Pages: 8

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This instruction implements AFD 51-5, *Military Legal Affairs*, AFI 51-304, *Legal Assistance, Notary, Preventive Law, and Tax Program*, and Title 10, United States Code, section 1044. The Scope of the ELAP is limited to personal civil legal issues as set forth in AFI 51-304, paragraph 2.7, with the express authority for clients to be represented in court or administrative proceedings when authorized by the Staff Judge Advocate consistent with this Operating Instruction. This instruction establishes the policy and procedures for the implementation of an Expanded Legal Assistance Program (ELAP) at Robins Air Force Base that will be conducted in addition to the normal legal assistance program operating at Robins Air Force Base. This publication applies to all personnel assigned or attached to Robins Air Force Base Office of the Staff Judge Advocate. This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. This publication may be supplemented at any level, but all direct supplements must be routed to the Office of Primary Responsibility (OPR) of this publication for coordination prior to certification and approval. Requests for waivers must come through the chain of command from the commander of the office seeking relief from compliance. Waiver requests must be submitted to the OPR; waiver authority has not been delegated. The waiver approval authority for all compliance items within this publication are at Wing Level (Tier T-3). Refer recommended changes and questions about this publication to the OPR using Air Force (AF) Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this instruction are maintained in accordance with (IAW) Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and disposed of IAW the

AF Records Information Management System Records Disposition Schedule located at [https://www.my.af.mil/afrims/afrims/afrims/rds/rds\\_series.cfm](https://www.my.af.mil/afrims/afrims/afrims/rds/rds_series.cfm). See **Attachment 1** for glossary of references and supporting information.

**1. Scope.** The Expanded Legal Assistance Program (ELAP) allows attorneys assigned or attached to 78 ABW/JA, subject to availability of legal staff resources and the conditions otherwise set forth below, to provide in-court representation, in limited circumstances, to eligible active duty military personnel and/or their dependents who could not otherwise afford legal representation. This Operating Instruction (OI) applies to all units serviced by 78 ABW/JA for mission-related and non-mission-related legal assistance authorized by AFI 51-304, *Legal Assistance, Notary, Preventive Law, and Tax Program*, 22 August 2018.

1.1. **Eligible Clients.** Expanded legal assistance may be offered to active-duty legal assistance clients in the grade of E-4 or below, the dependents of the active-duty members in the grade of E-4 or below, and active duty clients who qualified for earned income credit on their last federal income tax return.

1.2. **Eligible Cases.** Expanded legal assistance may be offered for any matter within the scope of the Air Force Legal Assistance program, as detailed in AFI 51-304, which relates to a landlord-tenant, consumer affairs, step-parent adoption, or probate action. Appropriate cases must meet two criteria: (1) the client has suffered an injury upon which a civil action may be filed in the state courts of Georgia, and (2) representation should have a foreseeable impact beyond the individual client being assisted. For example, an eligible client who is victimized by insurance fraud or landlord abuse which, by design, specifically targeted service members, may qualify for expanded legal assistance. Terminating the specific act of fraud or landlord abuse against the eligible client will benefit future service members as they interact with the insurance company or landlord involved.

**2. Responsibility.** The Staff Judge Advocate, 78 ABW/JA, shall be responsible for implementation of the ELAP. The Staff Judge Advocate will determine which cases qualify for expanded legal assistance, whether sufficient resources exist to pursue civil action on behalf of a qualified client, and which ELAP attorney within his or her authority will assist the client. The Staff Judge Advocate will ensure that expanded legal assistance complies with AFI 51-304, applicable ethical standards, and the local rules of the state courts of Georgia. The Staff Judge Advocate maintains the authority to limit the scope of practice for 78 ABW/JA attorneys whom he or she authorizes to provide expanded legal assistance. The Staff Judge Advocate will ensure notification to local bar associations, if required, about the ELAP in locations where litigation is pursued. Any appropriate exemptions from *mandatory pro bono* and appointed criminal defense requirements for attorneys who provide expanded legal assistance will be addressed.

### **3. Procedure.**

3.1. **ELAP Attorneys.** The Staff Judge Advocate, 78 ABW/JA, shall designate a lead or managing ELAP attorney and one or more legal assistance attorneys as ELAP attorneys. ELAP attorneys must be licensed to practice in the state of Georgia and admitted to practice in the court or courts where civil actions will be filed on behalf of eligible clients. ELAP attorneys are subject to local ethics rules and rules of court in all ELAP representation. If an attorney or paralegal has not previously handled a particular type of case, training and oversight will be provided by attorneys who have prior experience in the specific subject matter. ELAP Attorneys and paralegals will be encouraged to take additional training courses, when available.

3.1.1. Active duty legal assistance attorneys may be appointed to assist as counsel on ELAP cases IAW State Bar of Georgia Uniform Superior Court Rule 4.4(C) (“Admission Pro Hac Vice”) and Rule 5.5 of the Georgia Rules of Professional Conduct (governing “Multijurisdictional Practice of Law”). For all such cases, an attorney who is licensed to practice in the State of Georgia must actively participate in the matter as counsel alongside an active duty legal assistance attorney who is not licensed to practice in Georgia. Georgia courts may, at their discretion, permit the appearance of an active duty military attorney IAW State Bar of Georgia Uniform Superior Court Rule 4.4(B). The active duty military attorney must follow application procedures set forth in State Bar of Georgia Uniform Superior Court Rule 4.4(D).

**3.2. Legal Assistance Attorney Referrals.** All 78 ABW/JA attorneys who provide legal assistance IAW AFI 51-304 will be instructed as to the scope of the Robins Air Force Base ELAP as described in 1a and 1b of this OI. During the course of legal assistance, any attorney who encounters a case appropriate for ELAP consideration shall refer the client to one of the designated ELAP attorneys.

**3.3. ELAP Assessment.** The ELAP attorney to whom a prospective client reports or is referred shall: (1) determine whether the client is eligible by grade or income for expanded legal assistance, as provided in [para. 1a](#) above; and (2) determine whether the subject of the client’s civil legal issue qualifies for ELAP, as provided in [para. 1b](#) above. In making such determinations, the ELAP attorney shall obtain all pertinent facts, including the financial condition of the client, assess the merits of the individual case, and assess the Air Force interest in the case. The designated attorney will determine existing conflicts of interest by entering the client information into Web Lions Air Force Legal Assistance Program. The ELAP attorney shall then present the matter to the Staff Judge Advocate for review, together with an authorized *Legal Assistance Client Consent and Approval by the Staff Judge Advocate* form. ([Attachment 2](#))

**3.4. ELAP Approval and Disapproval.** The Staff Judge Advocate shall review all ELAP referrals submitted by ELAP attorneys. The Staff Judge Advocate shall determine whether representation by an ELAP attorney in the particular matter presented is appropriate. If the Staff Judge Advocate determines that representation by an ELAP attorney of an Air Force legal assistance client in the Georgia Court System is appropriate, she or he shall so signify on the *Authorized Legal Assistance Client Consent and Approval by the Staff Judge Advocate* form ([Attachment 2](#)). The Staff Judge Advocate shall ensure that the assigned ELAP attorney is licensed to practice law in Georgia, admitted to practice in the state court in which the civil action is to be filed, and familiar with the local rules of practice of that state court. The Staff Judge Advocate may assign any ELAP attorney who meets the qualifications set forth in this paragraph to represent the client regardless of who made the referral, determining which ELAP attorney is best qualified for the circumstances of both the client and of the case. If the Staff Judge Advocate determines that representation by an ELAP attorney of an Air Force legal assistance client in the Georgia court system is not appropriate, she or he shall provide the written or verbal basis of the decision to the ELAP attorney who made the referral. Disapproval should be reduced to writing and the written record of ELAP approvals and disapprovals shall be maintained by the lead ELAP attorney.

**3.5. Restrictions.** The ELAP client shall be responsible for the payment of all fees and costs associated with his or her representation. No ELAP attorney, legal assistance attorney, or government employee shall advance funds, personal or institutional, for ELAP representation. ELAP attorneys do not have the authority to commit the United States Government to any financial arrangements, of any nature, or indemnity agreements, of any nature, in connection with ELAP representation. If attorney's fees are awarded by a Georgia court for action undertaken by an ELAP attorney, those fees must be paid into the treasury of the United States as government property. Under no circumstances will ELAP attorneys, legal assistance attorneys, or 78 ABW/JA employees receive the payment of any judgments awarded by a Georgia court for ELAP representation, in whole or in part. ELAP attorneys are expressly forbidden from receiving or holding client funds in any form. The Staff Judge Advocate is responsible for ensuring that ELAP representation complies with these restrictions.

**4. Scope Of Employment.** Any attorney, paralegal, or Air Force employee participating in the Expanded Legal Assistance Program (ELAP) shall be deemed during such participation or representation to be acting within the scope of their Air Force employment. Any action brought against an Air Force employee arising from the Expanded Legal Assistance Program (ELAP) shall be deemed covered by Title 28, United States Code, Section 2679.

LINDSAY C. DROZ, Colonel, USAF  
Commander

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

AFI 51-304, *Legal Assistance, Notary, Preventive Law, and Tax Program*, 22 August 2018.

State Bar of Georgia *Uniform Superior Court Rule 4h.(1)-(5)* (“*Admission Pro Hac Vice*” and *fee waiver for indigent representation*).

GA Supreme Court *Rules 114-120* (*out of state attorney practicing under the supervision of a GA licensed attorney, “Extended Public Service Program”*).

Rule 5.5(k) of the *Georgia Rules of Professional Conduct* (governing “*Multijurisdictional Practice of Law*”).

28U.S.C. § 2679, *Exclusivity of Remedy*, 26 October 2015.

10U.S.C. § 1004, *Legal Assistance*, 10 November 2020.

***Adopted Forms***

Air Force Form 847, *Recommendation for Change of Publication*.

***Abbreviations and Acronyms***

**ABW**—Air Base Wing

**AF**—Air Force

**AFI**—Air Force Instruction

**AFMAN**—Air Force Manual

**AFRIMS**—Air Force Records Information Management System

**ELAP**—Expanded Legal Assistance Program

**IAW**—In Accordance With

**JA**—Judge Advocate

**OI**—Operating Instruction

**OPR**—Office of Primary Responsibility

**RDS**—Records Disposition Schedule

**SJA**—Staff Judge Advocate

Attachment 2

AUTHORIZED LEGAL ASSISTANCE CLIENT CONSENT AND APPROVAL BY THE STAFF JUDGE ADVOCATE

Figure A2.1. Sample Authorized Legal Assistance Client Consent and Approval by the Staff Judge Advocate.

I, \_\_\_\_\_, state that I am an active duty military member holding the pay grade of E4 or below (or his/her lawful dependent authorized to receive legal assistance services) who is permanently assigned to an installation, unit, and or activity located within the geographical limitations of the state of Georgia.

I consent to be represented in court or before any administrative tribunal in the state of Georgia by \_\_\_\_\_, an authorized legal assistance attorney, an active member of the Georgia Bar. I acknowledge that I am solely responsible for paying all court fees and charges of any nature in connection with this action. I further acknowledge that in the event of a counterclaim arising out of any legal action undertaken on my behalf, I am solely responsible for satisfying any monetary judgement that might result against me. I understand that by extending representation to me, the Air Force makes no assurances relative to the outcome of any legal proceeding undertaken on my behalf. I acknowledge that litigation involves risk to the parties and appreciate that any legal action may ultimately be decided against my interests.

\_\_\_\_\_  
Authorized Legal Assistance Client  
Dated: \_\_\_\_\_

Witnessed By: \_\_\_\_\_  
Authorized Legal Assistance Attorney

Approval/Disapproval of Staff Judge Advocate

**Approval:** The appearance of \_\_\_\_\_, an authorized legal assistance attorney, on behalf of the above authorized legal assistance client is hereby APPROVED pursuant to RAFBI 51-304, *Expanded Legal Assistance Program* and AFI 51-304, *Legal Assistance, Notary, Preventive Law, and Tax Program*.

\_\_\_\_\_  
Staff Judge Advocate  
Dated: \_\_\_\_\_

**Disapproval:** The appearance of an authorized legal assistance attorney on behalf of the above authorized legal assistance client is here by DISAPPROVED pursuant to RAFBI 51-304 and AFI 51- 304.

\_\_\_\_\_  
Staff Judge Advocate  
Dated: \_\_\_\_\_