



KAISERSLAUTERN LEGAL INFORMER

21st TSC OSJA WINS 7 DA-LEVEL AWARDS



The Army Chief of Staff, GEN George Casey, and The Judge Advocate General, LTG Dana Chipman, recognized the accomplishments of the 21st TSC OSJA's dedicated team of client services professionals with seven awards in 2010.

by Steve Smith

As Thanksgiving approaches this fall, the staff of the 21st TSC Office of the SJA has much for which to be thankful.

This year, the Army Chief of Staff recognized four 21st TSC legal assistance offices with his Award for Excellence in Legal Assistance, and The Judge Advocate General recognized three 21st TSC claims offices with his Award for Excellence in Claims Support.

The Kaiserslautern Legal Services Center was one of only two law centers in Europe to win both awards (the other office was 21st TSC's Netherlands Law Center in Schinnen). Other 21st TSC winners included Mannheim (legal assistance), Stuttgart (legal assistance) and the Northern Law Center in Mons, Belgium (claims).

21st TSC won 80% of the legal assistance awards and 60% of the claims awards in USAREUR this year. The seven awards pictured above bring the number of DA-level awards the 21st TSC OSJA has won since 2001 to 59.

These awards reflect the high level of customer service our legal assistance clients and claimants have come to expect from a command whose motto is **"First in Support."**

As you page through this newsletter, you will find further evidence of how the attorneys and paralegals of the 21st TSC OSJA are reaching out to clients, claimants, and disaster victims, many of whom have lost everything. The opportunity to serve those most in need is another reason we give thanks this holiday season. ***It's all about helping others — that's the bottom line.***

IN THIS ISSUE...

- Warehouse Burns Down in Stuttgart
- Haiti Humanitarian Relief Effort
- Holiday Party Guidelines
- Saarbruecken Court Turns 175
- German Tire Rules
- Identity Theft
- Government Contractor Rules
- And much more!



*United States Army
Judge Advocate
General's Corps -
America's Oldest
Law Firm*

Stuttgart Warehouse Burns to the Ground

Claims lessons learned from a real-life disaster...

by Steve Smith

On the evening of Saturday, October 30th, while most Americans stationed in Germany were enjoying a pleasant Halloween weekend, fire broke out in a warehouse in Schwieberdingen, near Stuttgart, belonging to the Andreas Christ moving company. The warehouse was the main storage site for US personal property shipments coming into and leaving Stuttgart. The warehouse was completely destroyed by the fire, as were the household goods and hold baggage shipments of 123 members of the Stuttgart military community.

Let me say that again: 123 Americans in Stuttgart lost everything they had shipped to Germany, or everything they were shipping back to the United States. (pause for breath)

Put yourself in the shoes of those “claimants” (which is what they have become) for a moment. Make a “there but for the grace of God...” analogy. If this were to happen to you, how would you go about putting your life back together after such a staggering loss? What lessons can we learn from the misfortune which befell our friends and neighbors in Stuttgart?

Perhaps the most important lesson is that, at times like these, the military community really comes together and “circles the wagons.” I have seen this happen in the past when there were mass casualty incidents, or flooding that affected large numbers of people (as happened again earlier this month in Vicenza, Italy). Every social service agency in the military community steps up to the plate and does its utmost to help heal the hurt. Nowhere is this truer than at your local Army claims office. Their job is to do everything they can, within the limits established by federal law and military regulations, to put you back in the position you were in before you suffered the loss, to make you “whole again.”

The response of the Stuttgart Law Center’s claims team to the warehouse fire has been truly extraordinary. Their Claims Judge Advocates addressed town hall meetings, explaining how the claims process works and what claimants needed to do to file claims for compensation. They coordinated with experts at the US Army Claims Service, Europe, in Mannheim, and the US Army Claims Service at Fort Meade, Maryland, to request exceptions to policy to facilitate and expedite the claims filing process. They set up individual appointments for claimants at the Stuttgart Claims Office, with each claimant being assigned to one of four claims counselors who will work with the claimant throughout the process, offering tailor-made assistance “from Cradle to Claim.”

The importance of having a detailed inventory of what was shipped cannot be overstated. Armed with this inventory, claimants will be able to first make a claim against the carrier under the “Full Replacement Value” or “FRV” program. The carrier’s liability under the FRV program is equal to \$4.00 multiplied by the net weight of the shipment, with a minimum liability per shipment of \$5,000 and a maximum liability of \$50,000. We anticipate that most carriers will pay that maximum amount if they see that a claimant had a large household goods shipment.

But what happens if the maximum carrier liability does not begin to cover the actual loss? This is where personal property insurance plays an important role. Many military families are covered with USAA through their renter’s insurance policy. The question for them will be, did they have enough coverage to compensate them for what they lost, or were they “underinsured?” It is easy for people to wind up underinsured if they took out insurance years ago and did not keep the dollar amount of their cover-



A view of the fire damage to household goods shipments at the Andreas Christ warehouse in Schwieberdingen.

[continued on page 3...]

Stuttgart Warehouse Burns Down *[continued...]*

age equal to what they acquired in the way of personal property in the meantime. Also, civilian employees tend to have larger household goods shipments (e.g., 18,000 pounds), but may not find it as easy as military personnel to obtain affordable personal property insurance.

What can we do for claimants who do not have adequate, or any, private insurance to cover their loss? This is where the Army Claims System plays a role. Army Regulation 27-20, which implements the Personnel Claims Act, allows Claims Judge Advocates to pay up to \$10,000 for losses of this kind. Staff Judge Advocates and the Chief of the US Army Claims Service, Europe, can pay up to the regulatory limit of \$40,000. Keep in mind, however, that when the Government pays the claim, they can only pay depreciated value for the items lost or damaged, and there are maximum allowable payments for individual categories of items (e.g., the “max allowable” for jewelry is \$1,000 per item, and \$4,000 per claim). That is another reason to maintain enough private personal property insurance to cover all your property.

Shipping inventories are a starting point when it comes to seeking compensation, but they rarely tell “the whole story.” Another good way to prove ownership and the value of your property is to take digital photographs of everything in your house and scan receipts for everything you purchase; make sure you carry the electronic proof with you to your next duty station, either on a laptop, a data stick, or a portable hard drive. **Do not allow the packers to put the proof in a box!** Then, should you experience the kind of “total loss” the claimants in Stuttgart did, you will have the proof you need when making claims against carriers, insurers, and the Government.

For more information on how the claims filing process works, contact the Kaiserslautern Legal Services Center Claims Office.



KAISERSLAUTERN LEGAL SERVICES CENTER

**Building 3210
Kleber Kaserne**

Legal Assistance 483-8848

Tax Assistance 483-8848*

Claims 483-8414/8862

International Affairs 483-8854

Trial Defense Service 483-8165

[Civilian: 0631-411-XXXX]

Administrative Law 484-7450

Criminal Law 484-8311

[Civilian: 0631-413-XXXX]

* after 24 January 2011, call
DSN 483-7688 for Tax Assistance

KLSC IS NOW ON

facebook

— “LIKE” US!

by Mark Christensen

In our efforts to keep up with social networking activities, we have created a FaceBook page for the Kaiserslautern Legal Services Center. Our goal is to use this site to provide you with current information on office events and activities, as well as developments and changes in the law that might affect you. The goal of our preventive law program is to keep you up-to-date about legal issues so you can make informed decisions about your career, family, and finances.

Please join the Kaiserslautern Legal Services Center on FaceBook. When logged into your FaceBook account, search for Kaiserslautern Legal Services Center, and click on the “Like” button. We will periodically post information about services and hours, as well as articles or releases that may be significant to you.

While we cannot give legal advice on the site, we welcome suggestions for content or material that you are interested in hearing about. We want your legal office to be a relevant and valuable part of your military service, and hope you will let us know what we can do to keep you informed.



A Haiti Earthquake Relief Retrospective

by CPT Nancy Lewis

On Tuesday, January 12, 2010, at 1653 local time, a magnitude 7.0 earthquake struck the Caribbean island nation of Haiti. The epicenter was 15 miles southwest of the country's capital, Port-au-Prince, at a depth of 6.2 miles below the ground surface. The earthquake was felt throughout Haiti, the Dominican Republic, southeastern Cuba, eastern Jamaica, and in parts of Puerto Rico and the Bahamas.

Haiti is the poorest country in the western hemisphere; more than 80% of its population lives below the poverty line. The earthquake caused severe damage and destruction in the Port-au-Prince area, which is densely populated. Haiti's President issued a desperate appeal for international aid following the earthquake, stating that the tremor

was catastrophic and unimaginable, and that the Parliament, the tax office, schools, and hospitals had collapsed. Other collapsed or severely damaged buildings included the UN peacekeeping mission, the presidential palace, the national cathedral, and the main prison.

Haiti did not have building codes, so substandard design, inadequate materials, and shoddy construction practices contributed to the collapse of buildings. Newer construction had been developed to withstand the vertical loads of hurricanes but could not tolerate the lateral loads of earthquakes. Many buildings collapsed as builders put reinforced concrete roofs on top of low-grade bricks, construction blocks, or thin columns. Other concrete buildings collapsed because builders used insufficient steel-reinforced concrete and added excessive water to the concrete.

In the beginning there was no way of knowing the death toll or casualties resulting from the earthquake. However, one third of the Haiti's 9 million people needed emergency aid, according to the International Federation of the Red Cross. Many hundred thousands were homeless and sleeping in the streets. Haiti's earthquake was one of the deadliest quakes in the last four decades.

Immediately following the earthquake, the 82nd Airborne Division and other military units deployed to Haiti on a disaster response mission, coordinated through the U.S. Agency for International Development and the State Department's Office of Foreign Disaster Assistance.

Less than 72 hours after the earthquake, personnel from the Expeditionary Contracting Command (ECC), a subordinate command of the Army Contracting Command, an Army Materiel Command element, arrived in Haiti and began assessing possible contracting requirements and creating plans for future support and sustainment operations. I was privileged to be part of the EEC team.

Early in the mission, our ECC team was integrated into the Combined Joint Task Force-Haiti, and began planning and executing the broader aspects of operational contract support. The contracting personnel early on included contracting officers, quality assurance, legal, policy personnel, and a Logistics Civil Augmentation Program (or LOGCAP) planner. The team established reach-back support from the 410th Contracting Support Brigade and the U.S. Army Contracting Command Rock Island Contracting Center, and developed a contracting officer representative management plan.



The ruins of the presidential palace in Port-au-Prince, in the aftermath of January's earthquake.

The Joint Task Force-Haiti Regional Contracting Center developed contracts for latrine services, water, and support to current facilities, vehicles, and other assets needed by military personnel supporting the relief effort.

In addition to supporting the relief responders, the contracting command's efforts assisted in supplying more than 15 million meals that were delivered in a 10-day period to the Haitian population, as well as the establishment of distribution points for families to receive 25- and 30-pound bags of rice, beans, and cooking oil. Contracting efforts also helped turn dangerous and rudimentary shelters into areas with safer tents, with water and meals delivered on a routine basis. By the end of the mission, the ECC had initiated more than 380 contracting actions valued at almost \$12 million.

In the aftermath of the country's cataclysmic earthquake almost a year ago, hundreds of thousands of survivors from the January earthquake are still living in makeshift accommodations. Haiti is now facing a deadly outbreak of cholera. The disease has infected at least 14,000 people in the past month with a death toll of over 1,000, and officials say that number could rise exponentially now that the disease has reached the capital, Port-au-Prince.

The ten weeks I spent on the ground in Haiti in 2010 were among the most rewarding and challenging of my JAG career. Our efforts were not wasted. Progress was made. Haitians were given shelter, food, and emergency medical care. As the contingency elements moved forward and out of Haiti, the State Department took over all operations and continues to help a country in desperate need.

Editor's Note: CPT Lewis took on new challenges upon her return to Germany this spring. She is now the Officer-in-Charge of the Kaiserslautern Legal Services Center.



Above: CPT Nancy Lewis heads out into the devastated capital city of Port-au-Prince for a site visit with Haitian contractors. "First in Support!"

Above right: It wasn't all work and no play. Jimmy Buffet dropped by to provide an impromptu concert at the US Embassy for those involved in the relief effort. He played for about 30 minutes!

Right: Expeditionary Contracting Command personnel pause for a group photo at the American Embassy in Haiti. CPT Lewis is front and center.



Hails: We welcome our new Legal Assistance Attorney, 1LT Yolanda Williams, our new Paralegal Specialists, SGT Joshua Thompson and PFC Angel Hunter, who work in Military Justice, and PFC Cassandra Morris, who works in Legal Assistance.

Farewells: We bid farewell to our Trial Counsel, CPT Dan Curley, and his wife, Carol, who served as an e-filer at the Landstuhl Tax Assistance Center in 2010. We wish them the best at Fort Eustis!

Welcome Back! Our Operational Law Attorney, CPT Matt Freeman, recently returned from Latvia, where he participated in Exercise Saber Strike 2011. See the article on page 7 for more info...



21st TSC OSJA personnel visiting the International Court of Justice at the Peace Palace in the Hague in early October. See the article on page 7 for more info...



While in the Hague, the 21st TSC OSJA delegation also visited the International Criminal Tribunal for the Former Yugoslavia to observe a war crimes trial.



CPT Nancy Lewis and CPT Matt Freeman participated in a ceremony in Frankfurt in November honoring Jewish soldiers who were killed fighting for Germany in WWI.



A wreath from the Jewish War Veterans of America and the Jewish Chaplain's Council that was laid during the ceremony. See the article on page 7 for more info...

21st TSC JAGs, Spanning the European Continent...



by Steve Smith

It has been a busy fall for the staff of the 21st TSC Office of the Staff Judge Advocate. As busy as they are trying cases, advising commanders, providing legal assistance, and paying claims, they still found time to get out from behind their desks and experience Europe. A few examples:

Staff Ride to the Hague: Thirty members of the OSJA staff headed to the Netherlands at the end of September to visit the Hague, which is known as the “Legal Capital of the World.” While in the Hague they visited the Peace Palace, which houses the United Nations International Court of Justice and the Permanent Court of Arbitration. They also visited the International Criminal Tribunal for the Former Yugoslavia, where they observed a war crimes trial. After meeting with the presiding judge and other court officials, the group was taken on a tour of the court building, and saw the facility where those awaiting trial are detained. It was an eye-opening experience; those on the trip learned a great deal about international law.

Our Man in Latvia: Speaking of international law, our Operational Law Attorney, CPT Matt Freeman, participated in Exercise Saber Strike 2011, which took place in Latvia in October. According to CPT Freeman, “the exercise focused on training forces from Estonia, Latvia, and Lithuania in preparation for future deployments. Our main function was to provide support and facilitate their training. In less than a month, I experienced troop movement, advised a Brigade Commander, became part of a staff, and learned how a Brigade functions. Any JAG stationed in Europe for their first assignment should beg and plead with their SJA to participate in an exercise such as this one.”

Honoring Fallen Jewish Soldiers: Upon his return from Latvia, CPT Freeman and CPT Nancy Lewis, Officer-in-Charge of the Kaiserslautern Legal Services Center, participated in a wreath-laying ceremony at a memorial to fallen soldiers in a Jewish cemetery in Frankfurt. German Deputy Defense Minister Christian Schmidt spoke at the ceremony, acknowledging the sacrifices of the approximately 12,000 Jewish soldiers who were killed fighting for Germany in WWI. Army delegations from Germany, Austria, Israel, and the U.S. participated in the ceremony, which was organized by the Association of Jewish Soldiers, a small group in the German military. A New York Times reporter wrote an article about the ceremony: http://www.nytimes.com/2010/11/08/world/europe/08germany.html?_r=2&ref=global-home

Teaching at Continuing Legal Education Conferences: Attorneys from the 21st TSC OSJA provided more than 15 hours of instruction at Continuing Legal Education conferences this fall, beginning with the USAREUR Legal Assistance CLE in Bad Windsheim in October, at the USAREUR Claims CLE in Willingen in November, and at the USAREUR Tax CLE in Garmisch (which will take place the week after Thanksgiving). They covered topics as diverse as European consumer law, separation agreements, German landlord-tenant law, claims correspondence, foreign tax issues, and state and Puerto Rican tax returns.

HOW TO CELEBRATE THE HOLIDAYS — WITHOUT LOSING YOUR GOVERNMENT JOB

by MAJ Chris Beese

The holiday season is fast approaching. This is a traditional time when we plan events to enjoy with our family, friends, and co-workers. The Army usually has two different types of events: the office holiday party or a unit's holiday ball. Such events are very important to the morale of an organization, but we often forget that they are not official events of the Army. The Department of Defense defines an official event as an event conducted in support of an assigned mission. Accordingly, we cannot use taxpayer dollars to plan or execute such events. The key to staying within the rules is to use common sense, good judgment, and modesty. The more extravagant and expensive the event, the harder it will be to stay within the rules. Here are a few of the common areas of concern regarding holiday celebrations...



Use of Government Time. The general rule is that your time during the duty day is an official resource that must be used to complete official business. There are limited authorized exceptions to this general rule, but the best way to plan and hold a holiday celebration is by using the lunch hour or waiting until after the duty day is over. However, a supervisor can authorize limited official time for planning the event. For example, it is permissible for an employee to volunteer to spend a few minutes on the Internet downloading and printing off different menus of various restaurants. What would not be permissible is an employee driving around to various restaurants looking at facilities and menus; and preparing holiday social events should never become a significant part of any employee's duties. A supervisor may, as an exception to the general rule, authorize the event to take place during the duty day. For example, it would be permissible for an office to have a "pot luck" that extends an hour or two beyond the normal lunch hour; but these exceptions are limited and a supervisor should use them sparingly.

Use of Government Resources. The general rule is that government resources are only to be used for official business. There are limited exceptions to this rule where a supervisor may authorize limited use for non-official purposes. For example, an e-mail could be sent out to an office or unit notifying all the members of the holiday celebration, since information would be of common interest to all the members. The holiday celebration can also be held in a government conference room using the available equipment. Some common examples of the misuse of government resources would be using government vehicles to travel to and from the event. Another common misuse is the printing of holiday greeting cards or invitations using government resources. This is a violation even if the cards are not personalized and even if they are sent on behalf of an office.

[continued on page 9...]

Fundraising. Your office may decide it wants to raise money to reduce the cost of a holiday event. The general rule is "no fundraising in the federal workplace." However, there is a limited exception that permits employees to raise money among their members for their own benefit when approved by the head of the organization and the Ethics Counselor, and, depending on the circumstances, the Garrison commander. For example, employees could have a bake sale to reduce the cost of tickets for the office holiday celebration. Any fundraising should have a minimal impact on the office or unit functions and there should be a minimal use of government resources or time. The best way to conduct fundraising is to have the fundraiser staffed by volunteers who are not on duty and locate the fundraiser in a common area, *e.g.*, the entrance to a building. It is impermissible to solicit outside sources (*e.g.*, contractors or private organizations) as part of such a fundraising effort.

Gifts. Gifts among employees may be exchanged during the holiday season. However, be mindful of appearances, and avoid creating the perception of partiality or favoritism. Gift giving in the workplace should be even-handed and democratic in spirit. The value of a non-cash holiday gift to a superior is limited to \$10, and you may never solicit contributions from other employees. There are no restrictions on gifts to peers and subordinates. Frequently at these holiday events, there is a gift exchange among the staff members. If it is an anonymous exchange, a reasonable value should be established for the individual gifts. The recommended maximum amount for any gift giving is \$10; sticking to that limit helps avoid ethical issues.



Contractor Employees. Contractor employees are members of the team, but there are very different rules that apply to them when it comes to holiday celebrations. There should be no official encouragement for contractor employees to leave their workplace. We can let it be known that they may attend and will be a welcome part of the event. Contractor employee time off, and the nature of the time off (leave, personal day, administrative absence) are between the contractor and its employees. When a contractor's employee is absent, the contractor can never bill for services it fails to deliver, and may have concerns about issues such as contract schedules, delivery dates, and other matters. Accordingly, the contractor must decide if, and under what conditions, its employees may be absent. Contractor employees may never be tasked, or asked to volunteer, to organize holiday events.

Holiday celebrations are an important part of the Army culture and help foster high morale within an organization. An office that plans early, using common sense and good judgment, for a modest celebration is more likely to stay within the legal guidelines, and avoid the unpleasant consequences of violating those guidelines.

For further information and guidance on the matters discussed in this article, contact your local Ethics Counselor. Have a pleasant (albeit modest) holiday!

Saarbruecken's Regional Court Turns 175

by Joe Hall

Colonel Claes Lewenhaupt, the 21st TSC Staff Judge Advocate, also serves as US Forces Legal Liaison Officer for the states of Saarland, Rheinland-Pfalz, and Baden-Wuerttemberg. In that capacity, he is responsible for maintaining a cordial and productive working relationship with host nation justice authorities.

At the invitation of Hans-Peter Freymann, President of the Saarbruecken Regional Court, Colonel Lewenhaupt and members of his staff attended the celebration of the 175th anniversary of the court's founding.

The court was established in 1835, long before the founding of the current State of Saarland and the German Federal Republic, during a period when western Germany was under Prussian control. It was created to meet the demands of the local residents to have a local court available to hear their grievances and cases — so they could have meaningful access to justice in their area.

The celebration, which took place on November 4th, was attended by German dignitaries not only from the Saarland and nearby Rheinland-Pfalz, but from as far away as Braunschweig and Berlin, and also by justice officials from neighboring France. Speakers included Saarland Minister President Peter Mueller, who also serves as the Saarland's Minister of Justice.

The main speaker, Professor Dr. Hanns Pruetting, from the University of Cologne, addressed several topics that provided substance for discussion after the formal presentation: the electronic courtroom of the future; the role of judges in mediation; and a rule of law concept — recognition of judicial decisions.

Besides broadening perspectives with the exchange of comparative views on various legal topics, and giving invitees the chance to enjoy the ever-friendly hospitality of the Saarbruecken Regional Court hosts, the visit also reminded the broad spectrum of attendees that the US Army maintains an active, continuing partnership presence in Germany under the NATO treaty and its Status of Forces Agreement.



1835-2010

175 Jahre
Landgericht Saarbrücken

WINTER TIRES — THE RULES OF THE ROAD

by Joerg Modellmog

Fall is here and winter is just around the corner. Soon it will be that time of year when you hear holiday carols like “*Snow is falling all around, cars are sliding...*” **Wait a minute! Why are cars sliding? Don't they have winter tires? Do I even need winter tires in Germany?** [Lawyers are actually trained to think like this... I kid you not!]



The issue of winter tires is a hot topic in Germany these days. The German legislature is currently debating whether to establish a legal requirement to have winter tires, or at least all-season tires, on your car during the cold-weather months.

Current German law requires you to have tires on your car that are “adequate for prevailing weather conditions.” The police can make an on-the-spot check and determine what is appropriate. So the weather a driver encounters will determine whether snow tires (denoted by a snowflake symbol on the tire sidewall) or all-season tires (denoted by the letters “M/S,” for mud and snow or “Matsch und Schnee” in German) are required.

Since some courts have found such regulation to be overly-broad and too vague to justify the imposition of traffic fines (of up to €40) if tires are found to be inadequate, the German legislature is expected to tighten the rules within the next few weeks, before winter hits.

However, operating a vehicle without proper winter equipment can have much more serious legal consequences than a mere traffic fine. Your insurance company could very well deny coverage in the event of an accident, because it is considered to be gross negligence to drive with summer tires in winter.

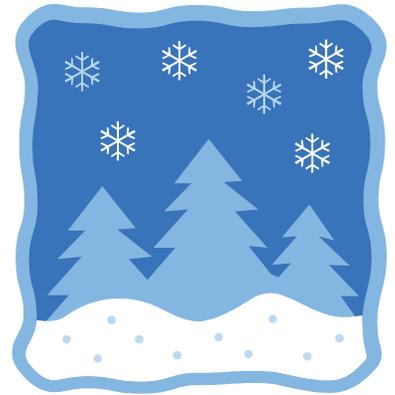
Whether special snow tires or “M/S” tires are required depends upon weather conditions. In northern Germany, where there is hardly any snow and no mountains, “M/S” or “all-season” tires may work just fine, but in the hilly southern parts of Germany, winter tires (with a snowflake on the sidewall) may be the only practical way to maneuver because of the snow and ice on the ground.

If you operate your vehicle in extreme weather conditions without the proper equipment, you not only endanger yourself, but also others on the road. Also, inadequate tread (*i.e.*, a depth of less than 1.6 mm) will render any winter tires useless and can, in and of itself, constitute a violation of the German Road Traffic Ordinance.

Remember: fresh rubber provides the best traction. The production date of a tire is printed on its sidewall with a four-digit code: the first two digits display the week of production and the last two digits indicate the year. Tires more than three years old should no longer be sold as “new.” Buy tires accordingly!

Since the Kaiserslautern area is notorious for snow and sleet in winter, prudence would dictate that drivers use snow or all-season tires. Drivers who fail to do so risk traffic fines and, even worse, potential loss of insurance coverage in the event of an accident. Stay tuned for any stricter rules that may be imposed on short notice by pending legislation. We'll announce any changes on our FaceBook page (see the article on page 3 of this newsletter).

Bottom line: when in doubt, always opt for the stricter and presumably safer alternative. When it comes to tires, err on the side of caution! **Then** you can go out and enjoy the holidays!



LIFE AS AN ARMY PARALEGAL — THE OTHER SIDE OF THE LAW...

Editor's Note: In our last edition, our Senior Trial Counsel described what trial counsels do for a living. In this issue, one of our paralegals who works in our Military Justice section tells us what is expected of Army paralegals.

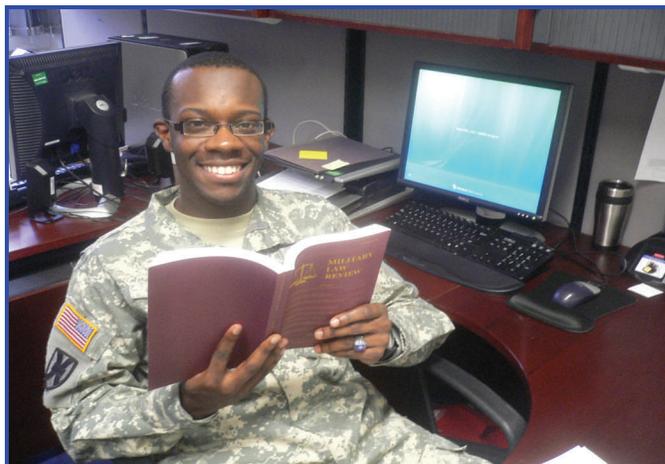
by SPC Joshua Glober

The Army paralegal plays a vital role in ensuring that justice is served both quickly and correctly. Being an Army paralegal, I can say that there are many challenges that come with the job. Army paralegals have two separate, but equally important duties: the responsibilities related to our role as legal professionals, and the responsibilities associated with being an enlisted Soldier.

While Army lawyers serve as legal advisors to commanders, paralegals are often considered the attorney's most valuable resource. As such, our roles may vary depending on our client's needs. We are tasked with everything from drafting powers of attorney, wills, and bills of sale, to giving classes on law of war and escalation of force. Depending on our position, we also play a vital role in the command's ability to maintain good order and discipline. Our behind the scenes work on processing nonjudicial punishment, involuntary administrative separations, and the logistics of courts-martial are essential to the attorneys' ability to accomplish their mission. Duty as an Army paralegal can be very demanding at times. We must be able to think quickly, critically, and thoroughly. We are seen as subject matter experts when it comes to legal actions. We are often asked difficult legal questions. Though technically not authorized to issue legal advice, we consistently provide assistance in researching complex legal matters to ensure justice is served.

On top of handling legal issues, Army paralegals are expected to know the same warrior tasks and drills of any Soldier serving in the United States Army. We are expected to remain mentally and physically fit. We play a significant role in supporting unit missions. These missions include such things as participating in field exercises, force protection missions, flag honors, CQ duty, headcount, and the occasional "hey you" tasking. Striking a balance to complete these Soldierly tasks and maintain our technical proficiency can be rather difficult at times, but is expected of an Army paralegal.

There are a few challenges that are relatively unique to the paralegal occupational specialty. Army paralegals have constant contact with high-ranking superiors, and it is not uncommon for a junior enlisted paralegal to brief a battalion or brigade commander. This type of interaction is something that other junior enlisted Soldiers seldom experience. We often find ourselves briefing field grade officers or senior noncommissioned officers on the status of legal actions from their respective commands. We are also counted on to find answers to numerous complex questions concerning legal actions involving Soldiers. This involves conducting legal research and constant communication with attorneys. The expectation that we will complete these tasks competently and efficiently adds to the challenges and rewards of the job.



SPC Glober reviewing the latest edition of The Army Lawyer in the Military Justice section of the Office of the SJA.

[continued on page 13...]

Additionally, most junior enlisted Soldiers normally end their duty day around 1700 hours. Depending on the section to which they are assigned, military paralegals often work much longer hours. If there is an upcoming court-martial or board proceeding involving overseas witnesses or complex evidence, paralegals must often stay late into the evening to coordinate with individuals or agencies in the United States and ensure there are no unforeseen issues that could negatively impact our legal proceedings.

Due to the nature of our job, Army paralegals are expected to not only meet the above-noted expectations, but to exceed them. We are often viewed by our peers and superiors alike as the enforcers of the law and are seen as the standard bearers in all that we do. We are expected to lead from the front and always place the mission first. Other Soldiers look up to us because it is our job to know what right looks like. With this in mind, we as Army paralegals must ensure that we exercise good judgment at all times.

While the life of an Army paralegal can be very stressful at times, it is also very rewarding. It is a privilege and an honor to work in an environment that challenges the intellect on a daily basis. I am proud to serve our great country as an Army paralegal.

Identity Theft — How to Protect Yourself..

by Mark Christensen

The Legal Assistance Office at the Kaiserslautern Legal Services Center continues to see clients who are victims of identity theft, and who find themselves looking for ways to reduce the impact of the crime, as well as prevent future access to their personal identification information.

Because that's what identity theft is all about: use of personal information without authority. This might mean someone wants to use your personal information to obtain goods or services for which they do not intend to pay. Or it might mean someone wants to use your personal information in order to cover an undocumented status. You might receive credit card or utility bills in your name from a place where you never lived, or a notice from the IRS that you failed to claim income on your tax return from an employer for whom you never worked. Most types of identity theft result in considerable time and expense clearing up or eliminating the charges or false information. One goal is to avoid identity theft in the first place.

Safeguard all your personal information. Shred unnecessary documents. Protect your SSN. Be careful about releasing your information over the telephone or Internet. Don't click on unsolicited e-mail links. Use strong protected passwords. Keep your personal documents in a safe place.

Look through your purse or wallet and get rid of extra credit and identification cards. Don't leave receipts at ATMs, banks, or gas pumps. Memorize your SSN and important passwords. Never loan a credit card to someone. Beware of solicitations disguised as promotions offering instant prizes and awards.

Be alert to mail or bills that do not arrive as expected, or arrive unexpectedly. Be suspicious of denials of credit or calls from creditors for mysterious reasons. Watch bank and credit balances and statements.

You can use www.annualcreditreport.com to see your consumer reports. Stagger them so you get one from Equifax, Transunion, and Experian every four months. Carefully scrutinize all information listed in those reports.

If you are an ID Theft victim, place a fraud alert on your credit reports. Review all your accounts for unexplainable activity. Close compromised or fraudulent accounts, and file reports with the police and Federal Trade Commission at www.consumer.gov/idtheft. Keep track of all efforts, telephone calls, and communications as you document your case and resolve unauthorized use of your personal information. Legal assistance providers can help you organize your activities and address ID Theft issues, and provide more information about what you can do to protect your information and respond to fraud.

For more information on identity theft, or to make an appointment to see a Legal Assistance Attorney, contact the Kaiserslautern Legal Services Center Legal Assistance Office at DSN 483-8848 or Civilian 0631-411-8848.



The Ethics Corner...

by Rick Schwartz

10 RULES ON DEALING WITH GOVERNMENT CONTRACTORS

Here in the 21st TSC, contractors have an important role to play alongside the other members of our team working together to accomplish the mission. It is important to remember, however, that contractors and their employees are subject to different rules than the government's employees. Here are a few considerations to keep in mind if you have professional contact with contractors:



Rule 1: Recognize that Contractors Are Competitors – Maintain a Level Playing Field. Be sensitive to whether a meeting, action, or release of information would give a competitive advantage to a contractor. All similarly-situated contractors should receive equal treatment.

Rule 2: Decline to Meet with Contractors Regarding Ongoing Competitions. Decline meetings with competing contractors once a solicitation has been released. Avoid discussing or responding to questions on matters that are being litigated. When in doubt, contact the SJA office.

Rule 3: Avoid Partiality or the Appearance of Endorsement. Do not give preferential treatment to any private party, including a contractor. Also, do not give VIP visitor treatment to contractor representatives who visit in that capacity or who intend to discuss contractor business.

Rule 4: Avoid Private Discussions with Contractors. You should avoid private meetings or discussions with a contractor regarding its business and relationship with the Army. Make it your practice to have a staff member sit in on sessions with contractors and host multiple companies at once whenever possible.

Rule 5: Should You Meet with a Contractor, Set an Agenda. After agreeing to meet with a contractor, have the contractor identify the topic for discussion and whether there are any current contracts, competitions, or active proposals that the company has pending with the Army.

Rule 6: The Primary Purpose of a Meeting Is to Receive. While it is alright to ask informational and clarifying questions during a briefing, avoid asking contractors to send follow-up information. The meeting should not be the basis for further action, and should not unintentionally solicit formal proposals. Use public forums such as Industry Days to “push” information out to contractors on Army needs and requirements.

Rule 7: “Inside Information.” Do not release “Inside Information” that is not otherwise available to the public (or relevant community of DoD contractors). Inside Information includes:

- Selective release of advance procurement information, Army requirements, or premature release of contract award decisions;
- Acquisition information, such as: unopened bids, ranking of bids, proposed costs, the Army's estimate of costs, source selection plans, price evaluations, proprietary information (such as labor rates), reports by source selection boards, and information marked as source selection sensitive;
- Information not available to the public under the Freedom of Information Act; and,
- Information protected under the Privacy Act, trade secrets, and classified material.

Rule 8: Gifts. Small gifts are occasionally offered in meetings with contractors. Food and refreshments that are not a meal (e.g., coffee and doughnuts) may be accepted. You may also accept presentation items, such as a commemorative coin, or items worth less than \$20 (but not more than \$50 in total from any one source in a year). Consult your Ethics Counselor when something other than a nominal gift is offered.

[continued on page 15...]

DEALING WITH GOVERNMENT CONTRACTORS (continued)

Rule 9: Restricted Contacts with Former DoD Officials / Retired Military Officers. Former senior DoD civilian employees and retired General Officers are prohibited from attempting to influence official actions in their former department or agency for one year after their departure. For two years after leaving Government service, former Government officials may not represent someone else to the Government regarding “particular matters” (e.g., contract actions) that were pending under their responsibility during their last year of Government service. Former officers and employees are forever prohibited from representing someone in a particular matter that involved non-Federal parties, and in which they were personally and substantially involved while working for the Government. Federal officials who had authority to award contracts, make payments, set overhead rates, and settle claims of more than \$10 million are prohibited for a period of one year after the official action from working for the contractor who received the payment.

Rule 10: Letters, Star Notes, or Other Statements Addressing Contractor Performance. A DoD employee is prohibited from using his official position, title, or authority to endorse any person, product, service, or enterprise. This includes the use of official stationery and Star Notes. Additionally, it is DoD policy not to recognize contractors with honorary awards unless the contribution is substantially beyond that specified or implied by the terms of the contract and the recognition is clearly in the public interest – a very high standard. If performance by contractor personnel is deemed to meet the DoD standard, then recognition of a nominal value (e.g., a letter of appreciation or a unique certificate) may be appropriate. Remember, too, that “Commander’s coins” purchased with appropriated funds may not be presented to contractors. Any such recognition should first be coordinated with the applicable contracting officer. Obtain legal counsel regarding the propriety of any recognition action involving a contractor. Prior coordination is required because the Government must communicate clearly and with one voice to enforce contract performance.

Lines of communication between the Government and industry must remain open in a way that does not undermine the integrity of the contracting process. By recognizing the limits discussed above, you may address matters of mutual interest with DoD contractors. In so doing, do not hesitate to seek the assistance of the Fiscal and Ethics Law Attorney in the Office of the Staff Judge Advocate.

21st TSC OSJA — ONE TEAM, ONE FIGHT!



21st TSC’s Commanding General, MG Patricia McQuiston, presented the FY 2009 Army Chief of Staff Award for Excellence in Legal Assistance to the Stuttgart Law Center’s staff in the Stuttgart courtroom on November 8th, as the Law Center confronted one of the largest client services challenges in years: dealing with the consequences of the warehouse fire in Schwiebedingen (see story on pages 2 & 3). Having the CG come through and give this hard-charging legal team a pat on the back was a tremendous morale booster.



21st TSC sent a robust team of attorneys and paralegals to the 2010 USAREUR Legal Assistance CLE in Bad Windsheim in October. From left to right, Donald Davis, CPT Mike Gilbertson, CPT Jay McKenna, Steve Smith, SGT Ryan Frick, Matthias Berger, Jarin Nijhof, Joerg Moddelmog, CPT Sean Marvin, CPT Chad Brinton, Michele Knisely, Marianne Schoonjans, and Mark Christensen. Training events like this foster networking for members of 21st TSC’s geographically-separated law centers. We may work in different countries, but we function as one team.

LOOKING FOR A FEW GOOD TAX PREPARERS!!

by Donald Davis

The 21st TSC Office of the SJA operates tax assistance centers in Kaiserslautern, Landstuhl, and Stuttgart, Germany, and in three locations in the Benelux countries: Brussels and Mons, Belgium, and Schinnen in the Netherlands. We staff those tax assistance centers with civilian tax preparers and Special Duty Soldiers, who work under the supervision of the tax attorney for the local law center.

Contingent upon funding from IMCOM coming through as anticipated, we plan to conduct hiring actions in the month of December to fill the civilian temp-hire positions. Anyone interested in working as a tax preparer is encouraged to apply. While prior experience in tax preparation or accounting is helpful, it is not required. We provide our newly-hired employees with extensive tax preparation training during the month of January.

Anyone interested in applying for these positions should keep an eye out on USAJobs for the job announcements: www.usajobs.gov The position title is "Electronic Tax Filing Clerk." Here in the KMC we will be filling five positions: one for Landstuhl Tax Assistance Center and four for the Kaiserslautern Legal Services Center's Tax Assistance Center on Kleber Kaserne. Give me a call at DSN 483-7684 or Civilian 0631-411-7684, or e-mail me at donald.lee.davis@eur.army.mil if you are interested in serving as a tax preparer, and I can provide you with additional information on our tax assistance program.



Meet Our Host Nation Attorneys: *Joerg Moddelmog (left), our German Attorney-Advisor in Kaiserslautern, is no stranger to our readers, but did you know we also have host nation attorneys in the Benelux countries? Marianne Schoonjans (center) is our Belgian legal advisor in Mons, and Jarin Nijhof (right) is our Dutch legal advisor in Schinnen. All three of them taught classes at the USAREUR Legal Assistance Conference in Bad Windsheim this fall. "First in Support!"*

Directions to Kleber Kaserne: From Vogelweh, Ramstein, or Landstuhl take the A6 direction Mannheim. On your right you will see a large store called Möbel Martin. Make sure you are in the right lane as you take the Kaiserslautern Ost Ausfahrt (exit). Turn right as you leave the exit ramp and drive downhill until you reach the stop light. Turn right and proceed straight until the next stoplight. Turn left and you will be beside Kleber Kaserne. Follow the perimeter until you come to an open gate. Once you are on post, park in the Shoppette parking lot. Bldg. 3210 is directly across from the Shoppette. Enter Bldg. 3210 from the end door, closest to the Shoppette.

