

SB198 ENROLLED



1 SB198
2 CXGHYQQ-2
3 By Senator Givhan
4 RFD: Veterans, Military Affairs and Public Safety
5 First Read: 25-Feb-25



1 Enrolled, An Act,

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4 Relating to the Alabama National Guard; to add Chapters
5 2B and 2C to Title 31 of the Code of Alabama 1975, to
6 establish and provide for the Alabama National Guard Legal
7 Services Office, including positions therein; to establish and
8 provide for the Alabama National Guard Legal Assistance
9 Program, including positions therein; and to authorize judge
10 advocates and paralegals to perform notary actions under
11 certain circumstances.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Chapter 2B is added to Title 31 of the Code
14 of Alabama 1975, to read as follows:

15 §31-2B-1.

16 This chapter establishes and defines the operational
17 procedures of the Alabama National Guard Legal Services
18 Office, including the office's composition, mission, and
19 functions; provides duties and explains policies, objectives,
20 and procedures for the development and maintenance of the
21 office; provides duties for the supervision, training,
22 employment, and administration of personnel; and provides
23 procedures for acquiring and maintaining office legal research
24 resources.

25 §31-2B-2.

26 This chapter applies to all judge advocates and
27 services and personnel thereof at all times, including during
28 federal service.



29 §31-2B-3.

30 (a) The Alabama National Guard and State Military
31 Department shall adopt Army Regulation 27-1 and Air Force
32 Instruction 51-304 as controlling when judge advocates are in
33 federal service and when not in federal service in an advisory
34 capacity.

35 (b) This chapter is supplemental and shall not be
36 construed to abrogate any duties, responsibilities, or
37 liabilities of judge advocates or legal services personnel.

38 §31-2B-4.

39 (a) The Legal Services Office shall be a joint office
40 shared by the Alabama Army and Air National Guard. There shall
41 be a state staff judge advocate for the Army National Guard
42 and for the Air National Guard.

43 (b) Each state staff judge advocate shall do all of the
44 following:

45 (1) Perform the duties as prescribed by the Adjutant
46 General and state and federal law.

47 (2) Serve as the primary legal adviser to the Adjutant
48 General regarding the State Military Department and all
49 officers and agencies of the department.

50 (3) Provide independent legal advice in coordination
51 with the Office of General Counsel and directly to the
52 Director of the Joint Staff, chief of staff of each service,
53 joint staff, and members of the Alabama National Guard,
54 generally.

55 (4) Provide legal advice in the following areas:

56 a. Military justice.



57 b. Administration and operation of State Military
58 Department.

59 c. Business, property, and financial operations under
60 the jurisdiction and authority of the State Military
61 Department and Armory Commission.

62 d. Administration, control, discipline, status, civil
63 relations, and activities of all State Military Department
64 personnel.

65 (5) Provide legal advice to the Adjutant General,
66 Director of the Joint Staff, chief of staff of each service,
67 and joint staff in all legal matters concerning the State
68 Military Department, including environmental law, labor and
69 civilian personnel law, contract law, and fiscal and tax law.

70 (6) Develop legal office management policies and
71 procedures to accomplish all legal services within the Alabama
72 National Guard.

73 (7) Direct the members of the Alabama National Guard
74 Judge Advocate General Corps in the performance of their
75 duties, including leading and managing all aspects of the
76 Legal Service Office.

77 (8) Exercise technical supervision over the delivery of
78 legal services in the Alabama Army and Air National Guard and
79 all legal services personnel under the authority of the
80 Adjutant General.

81 (9) Certify that all judge advocates are professionally
82 qualified and maintain the highest levels of ethical and moral
83 behavior and professional proficiency to perform legal duties.

84 (10) Manage the professional legal training within the



85 Alabama National Guard.

86 (11) Determine the requirements for the Alabama
87 National Guard's acquisition of legal research materials,
88 software, applications, and programs.

89 (12) Provide legal services to the Alabama National
90 Guard through the Legal Services Office and the Office of
91 General Counsel.

92 (13) Direct the delivery of Alabama Army and Air
93 National Guard legal services across a broad spectrum of legal
94 disciplines, including military justice, international and
95 operational law, administrative and civil law, contract and
96 fiscal law, claims, and legal assistance.

97 §31-2B-5.

98 (a) Under the direction of the Adjutant General and the
99 state staff judge advocates, the General Counsel shall do all
100 of the following:

101 (1) Advise and support the state staff judge advocates
102 on all judge advocate legal service matters.

103 (2) Advise the Adjutant General, State Military
104 Department, Governor, chiefs of staff of each service, and
105 Director of the Joint Staff, as necessary.

106 (3) Serve as Chief Information Officer for the Judge
107 Advocate General Counsel.

108 (4) Inspect, supervise, and manage judge advocate
109 activities as directed by the state staff judge advocates.

110 (5) Supervise all Alabama National Guard litigation and
111 appeals.

112 (6) Supervise and provide advice on all contract and



113 fiscal issues.

114 (7) Supervise and provide technical guidance regarding
115 military justice and administrative law.

116 (8) Supervise the Office of General Counsel, including
117 employment, professional responsibility, and office management
118 matters.

119 (9) Establish policy and operational guidance for all
120 aspects of the Legal Services Office.

121 (10) Supervise the Deputy General Counsel, associate
122 general counsels, deputy staff judge advocates, judge
123 advocates, all legal services personnel, and others who are
124 members of the Judge Advocate Legal Services Office to assist
125 the Office of General Counsel in supporting the state staff
126 judge advocates.

127 (b) The Office of General Counsel full-time staff shall
128 include a general counsel, deputy general counsel, chief
129 paralegal, and associate general counsels.

130 §31-2B-6.

131 The Deputy General Counsel shall do all of the
132 following:

133 (1) Serve as director for the Legal Services Office,
134 including military justice, legal assistance, administrative
135 law, contract and fiscal law, and any other services as
136 determined and delegated by a state staff judge advocate or
137 the Office of General Counsel.

138 (2) Coordinate and provide support for all legal
139 services throughout the Alabama National Guard and the State
140 Military Department under the direction of the state staff



141 judge advocates and the Office of General Counsel.

142 (3) Coordinate and support the Alabama National Guard
143 Army Soldier Readiness Program.

144 (4) Coordinate and provide support for all legal
145 services training in the Alabama National Guard.

146 (5) Coordinate and supervise all Alabama National Guard
147 preventative law publications.

148 (6) Provide advice and counsel to Alabama National
149 Guard SAPR/IPP Offices.

150 (7) Compile and publish the Alabama National Guard
151 Legal Services Manual upon approval by the state staff judge
152 advocates.

153 §31-2B-7.

154 The military justice associate general counsel shall do
155 all of the following:

156 (1) Serve as coordinator of all military justice
157 matters under the direction of the state staff judge advocates
158 and as delegated to the Office of General Counsel.

159 (2) Coordinate and provide support to the Chief of
160 Military Justice and all trial counsels and supporting staff.

161 (3) Provide and supervise all military justice training
162 throughout the Alabama National Guard.

163 (4) Compile and publish the Alabama Manual for
164 Court-Martial and any supporting state regulations and manuals
165 with advice and consent of the state staff judge advocates and
166 the Chief of Military Justice.

167 §31-2B-8.

168 The contract and fiscal law associate general counsel



169 shall do all of the following:

170 (1) Serve as coordinator of all contract and fiscal law
171 matters under the direction of the state staff judge advocates
172 and as delegated to the Office of General Counsel.

173 (2) Coordinate and provide support to the military
174 judge advocates assigned to contract and fiscal law sections.

175 (3) Provide and supervise all contract and fiscal law
176 training throughout the Alabama National Guard.

177 (4) Compile and publish the Alabama Manual for Contract
178 and Fiscal Law and any supporting rules and manuals with
179 advice and consent of the state staff judge advocates.

180 §31-2B-9.

181 The administrative and Civil Law Associate General
182 Counsel shall do all of the following:

183 (1) Serve as coordinator of all administrative and
184 civil law matters under the direction of the state staff judge
185 advocates and as delegated to the Office of General Counsel.

186 (2) Coordinate and provide support to the military
187 judge advocates assigned to administrative and civil law
188 sections.

189 (3) Provide and supervise all administrative and civil
190 law training throughout the Alabama National Guard.

191 (4) Compile and publish the Alabama Manual for
192 Administrative and Civil Law and any supporting rules and
193 manuals with advice and consent of the state staff judge
194 advocates.

195 §31-2B-10.

196 The Operational Law Associate General Counsel shall do



197 all of the following:

198 (1) Serve as coordinator of all operational law matters
199 under the direction of the state staff judge advocate and as
200 delegated to the Office of General Counsel.

201 (2) Coordinate and provide support to military judge
202 advocates assigned to administrative and civil law sections.

203 (3) Provide and supervise all military justice training
204 throughout the Alabama National Guard.

205 (4) Compile and publish the Alabama Manual for
206 Operational Law and any supporting rules and manuals with
207 advice and consent of the state staff judge advocates.

208 §31-2B-11.

209 The Legal Assistance Associate General Counsel shall do
210 all of the following:

211 (1) Serve as coordinator of all legal assistance
212 matters under the direction of the state staff judge advocates
213 and as delegated to the Office of General Counsel.

214 (2) Coordinate and provide support to military judge
215 advocates assigned to legal services sections.

216 (3) Provide and supervise all legal assistance training
217 throughout the Alabama National Guard.

218 (4) Compile and publish the Alabama Manual for Legal
219 Assistance and any supporting rules and manuals with the
220 advice and consent of the state staff judge advocates.

221 §31-2B-12.

222 (a) Command, Wing, and Brigade Judge Advocates shall
223 provide legal services to Major Military Commands, including
224 MACOM, MAJCOM, and Wing in this state through legal offices



225 and legal sections headed by judge advocates within each
226 MACOM, MAJCOM, and Wing. Judge advocates shall be members of
227 MACOM, MAJCOM, and Wing Commanders' Staff and are designated
228 as supervisory judge advocates.

229 (b) A Supervisory Judge Advocate shall be a judge
230 advocate within an office or organization with authority over,
231 or responsibility for, the direction, coordination,
232 evaluation, or assignment of responsibilities and work of
233 subordinate lawyers, paralegals, and other non-lawyer
234 assistants within MACOM, MAJCOM, or Wing.

235 (c) The supervisory judge advocates shall include the
236 Command Judge Advocate, Staff Judge Advocate, and the Brigade
237 Judge Advocate as determined by the placement.

238 (d) The Command Judge Advocate, Staff Judge Advocate,
239 and Brigade Judge Advocate shall do all of the following:

240 (1) Advise the commander regarding legal matters and
241 assist the commander in exercising his or her duties as a part
242 of the commander's personal staff, all under the management
243 and supervision of the respective state staff judge advocate.

244 (2) Assist the commander in identifying legal problems
245 and render legal advice in support of the commander's
246 decision-making process.

247 (3) Furnish legal advice, assistance, and support
248 across the broad spectrum of military, state, and federal
249 practice, including administrative law, claims, contract, and
250 fiscal law, international and operational law, and military
251 justice; provided, all legal assistance is reserved to the
252 Legal Services Office unless otherwise determined by a state



253 staff judge advocate.

254 (4) Be responsible for the efficient, effective, and
255 ethical delivery of legal services to his or her commanders
256 and commands.

257 (5) Create and maintain rating and supervisory chains
258 that comply with applicable Army standards and ensure
259 effective leadership of all legal personnel of the command
260 legal office.

261 (6) Ensure legal personnel are adequately trained to
262 accomplish the legal mission, including through local training
263 and through attendance at the Judge Advocate Center and School
264 courses, including that all judge advocate attorneys
265 accomplish continuing legal education required by the Alabama
266 State Bar.

267 (7) Appoint and assign duties of the chief paralegal,
268 trial counsel, and deputy command judge advocate, deputy staff
269 judge advocate, or deputy brigade judge advocate, as
270 appropriate, with consent of the state staff judge advocate.

271 (8) Maintain written standard office procedures and
272 annex to Operation Order for Command.

273 (9) Maintain proper written reports regarding
274 investigations, separations, and military justice as directed
275 by the Office of General Counsel and state staff judge
276 advocate.

277 (10) Publish an office SOP and OPORD Annex for their
278 respective commands.

279 §31-2B-13.

280 (a) In accordance with Army Regulation 27-1, all



281 paralegals and warrant officers are under the direction of a
282 state staff judge advocate with supervision delegated to each
283 Command Judge Advocate, Staff Judge Advocate, or Brigade Judge
284 Advocate, as appropriate.

285 (b) Unless directed otherwise by the state staff judge
286 advocate, all paralegals and warrant officers shall perform
287 only legal professional duties as outlined in their respective
288 legal service regulations.

289 §31-2B-14.

290 (a) The Alabama National Guard, commanders, and
291 supervisory judge advocates shall provide logistical support
292 for the Legal Services Office, including adequate personnel,
293 facilities, supplies, and equipment necessary to carry out its
294 mission and functions in the most professional, efficient, and
295 effective manner possible.

296 (b) Minimum logistical support shall include all of the
297 following:

298 (1) Sufficiently private workspace for attorneys and
299 support staff that ensures freedom from unnecessary
300 distractions and provides for client confidentiality and
301 privacy, including a private consultation room.

302 (2) Locking file cabinets to ensure the privacy of
303 records.

304 (3) Computer hardware and software to maintain client
305 records; provided, only authorized personnel may have access.

306 (4) A sufficient number of attorneys and qualified
307 administrative, paralegal, and clerical support personnel to
308 accomplish workload.



309 (5) Computers for each assigned judge advocate,
310 paralegal, and legal assistant; software, peripherals,
311 networking, telecommunication equipment, including nonsecure
312 Internet protocol router network access and, where required,
313 secure Internet protocol router network access. Maintenance
314 and supplies for computer hardware and software, including
315 training for personnel.

316 (6) Appropriate and private client waiting areas in
317 legal services and assistance offices.

318 (7) Standard legal office equipment as determined by
319 technological advancements and by the state staff judge
320 advocate or the Office of General Counsel.

321 (8) Access to digital libraries, including general
322 research material and legal services for specialized topics,
323 including adequate funding and resources for essential access
324 to computer automated legal research capabilities.

330 (10) Cellular telephones and similar devices as
331 determined by the state staff judge advocate or Office of
332 General Counsel to support legal mission requirements.

333 (11) Adequate transportation support.

334 (c) The management and delivery of legal services in
335 the Alabama National Guard requires the use and support of
336 court computer access to software applications, such as:



337 Jagcnet, Adobe, Word Perfect, Alacourt, Alafile, and federal
338 court litigation access.

339 Section 2. Chapter 2C is added to Title 31 of the Code
340 of Alabama 1975, to read as follows:

341 §31-2C-1.

342 This chapter provides policies, roles,
343 responsibilities, and procedures for the Alabama National
344 Guard Legal Assistance Program. This chapter shall not be
345 construed to create any substantive or procedural right
346 against this state or the United States, or any agencies or
347 officers thereof, or any other person.

348 §31-2C-2.

349 (a) The Legal Assistance Program shall be modeled after
350 Army Regulation 27-3, Air Force Instruction 51-304, and Air
351 National Guard Instruction 51-504. When not in federal service
352 these federal regulations shall be advisory and not
353 controlling and any inconsistencies shall be resolved in favor
354 of state law and rules. This chapter shall be applicable to
355 all judge advocates at all times, even when in federal
356 service. For any conflict between this chapter and federal law
357 or rule during federal service, federal service regulations
358 shall control.

359 (b) Nothing in this chapter shall abrogate any duties,
360 responsibilities, or liabilities of judge advocates or
361 personnel under Alabama National Guard shall incorporate Army
362 Regulation 27-3, Air Force Instruction 51-304, and Air
363 National Guard Instruction 51-504.

364 §31-2C-3.



365 (a) The mission of the Legal Assistance Program is to
366 assist eligible clients with managing their personal legal
367 affairs in a timely and professional manner by doing all of
368 the following:

369 (1) Meeting clients' needs for information on personal
370 legal matters.

371 (2) Resolving clients' personal legal problems whenever
372 possible.

373 (b) The Legal Assistance Program shall be under the
374 direction of the Adjutant General. The mission of the Legal
375 Assistance Program is based on military needs of readiness,
376 morale, discipline, and retention according to the following:

377 (1) Readiness. Because soldiers, airmen, and
378 emergency-essential Department of Defense civilian employees
379 must be prepared for immediate mobilization and deployment,
380 their personal legal affairs must be in order at all times.

381 (2) Morale. Fostering high morale of soldiers, airmen,
382 and their families is an important aspect of readiness. High
383 morale is enhanced by providing soldiers, airmen, and their
384 families information, advice, and assistance responsive to
385 their personal legal needs and problems.

386 (3) Discipline. Personal legal difficulties may cause
387 low morale and disciplinary problems and may adversely affect
388 combat readiness. Prompt legal assistance in resolving these
389 difficulties is an effective preventive law measure.

390 (4) Quality. Providing legal assistance is part of the
391 Alabama National Guard's ongoing effort to maintain a quality
392 of life that will attract quality people. The Alabama National



393 Guard must take care of its own if it is to recruit and retain
394 a quality force.

395 (5) Retention. In order to retain service members, it
396 is the mission of the Alabama National Guard legal assistance
397 program to assist service members with legal matters on a no
398 cost basis to promote retention.

399 §31-2C-4.

400 (a) The Alabama Staff Judge Advocate for the Alabama
401 Army and Air National Guard shall do all of the following:

402 (1) Maintain ultimate responsibility for the overall
403 supervision and administration of the Legal Assistance
404 Program.

405 (2) Through the Director of Legal Services within the
406 Office of General Counsel:

407 a. Execute program director responsibilities for the
408 Legal Assistance Program;

409 b. Exercise technical oversight over judge advocates
410 and civilian attorneys serving in the Legal Assistance
411 Program;

412 c. Provide technical guidance over attorneys serving as
413 Alabama National Guard/NGB Special Victims' Counsel; and

414 d. Develop policies and procedures for the Legal
415 Assistance Program's Manual of Legal Assistance.

416 (b) The MACOM Judge Advocate Office shall provide legal
417 assistance if they have a separate legal assistance judge
418 advocate. Otherwise, the Legal Services Office, through the
419 Legal Assistance Program, shall advise and counsel all legal
420 services issues within MACOMs. MACOM judge advocates may



421 provide emergency legal assistance, if approved by the
422 Director of Legal Services.

423 \$31-2C-5.

424 The Alabama National Guard legal assistance associate
425 general counsel shall be responsible for legal assistance
426 services in the Alabama National Guard and State Military
427 Department, and shall do all of the following:

428 (1) Provide legal assistance services pursuant to Army
429 Regulation 27-3, Air Force Instruction 51-304, and Air
430 National Guard Instruction 51-504, and as may be directed or
431 limited by the state staff judge advocate.

432 (2) Formulate and publish an Alabama National Guard
433 Manual for Legal Assistance, to be updated annually.

434 (3) Ensure proper planning and coordination for Soldier
435 Readiness Program legal support.

436 (4) Secure adequate facilities, equipment, supplies,
437 and personnel for the provision of legal assistance services.

438 (5) Coordinate, draft, publish, and execute preventive
439 legal assistance initiatives and services that meet the needs
440 of the Alabama National Guard and its respective commands.

441 (6) Establish, where appropriate, any consistent
442 limitations to accomplish the mission of the Legal Services
443 Office.

444 (7) Maintain up-to-date legal trackers of clients and
445 services for the Legal Services Office.

446 \$31-2C-6.

447 Unless inconsistent with superior orders or other
448 duties or responsibilities, all of the following are



449 authorized to provide legal assistance:

450 (1) Judge advocates and personnel supporting the Legal
451 Services Office under the authority of the Adjutant General
452 and state staff judge advocates.

453 (2) Judge advocates and personnel supporting the Army
454 and Air National Guard under Army Regulation 27-3, Air Force
455 Instruction 51-304, and Air National Guard Instruction 51-504.

456 (3) State and Department of Defense civilian attorneys
457 and judge advocates as approved by the state staff judge
458 advocates.

459 (4) Staff judge advocates and Office of General Counsel
460 interns or externs under the supervision of the state staff
461 judge advocate or Office of General Counsel.

462 §31-2C-7.

463 (a) The Legal Services Office along with designated
464 supervisory judge advocates shall ensure that all attorneys
465 and non-lawyer assistants providing legal services develop and
466 maintain the requisite level of competency required by the
467 Alabama State Bar, state rules, and federal regulations that
468 apply to judge advocates.

469 (b) The legal assistance associate general counsel
470 shall ensure all of the following:

471 (1) All judge advocates and attorneys under his or her
472 supervision receive continuing legal education in the areas of
473 law, policy, and professional responsibility relevant to legal
474 assistance. Training should take advantage of courses
475 sponsored by state and federal government agencies; national,
476 state, and local bar associations; and the Judge Advocate



477 Center and School.

478 (2) The Legal Services Office periodically conducts
479 training covering the laws affecting legal assistance cases in
480 coordination with local bar associations, legal aid offices,
481 local practitioners, and relevant state and local government
482 agencies.

483 (3) Paralegal specialists, office intake personnel, and
484 receptionists receive training and instructions on
485 safeguarding the privacy and confidentiality of client
486 information, conflicts of interest, reporting procedures for
487 violations of the standards, and other professional
488 responsibility topics related to legal assistance.

489 Participation in local legal assistance training shall be
490 encouraged. Supervisory lawyers should encourage and support
491 participation in the Army's Paralegal Degree Program for all
492 paralegal soldiers.

493 (4) Other attorneys who may be called to perform legal
494 assistance duties receive appropriate training in legal
495 assistance.

496 §31-2C-8.

497 Eligible clients of the Legal Assistance Program,
498 subject to the limitations described herein, include all of
499 the following:

500 (1) Alabama Army and Air National Guard members,
501 employees, retirees, and their dependents. Retired members of
502 the Alabama National Guard are those retirees who are entitled
503 to or are receiving military retirement pay, including
504 individuals on the temporary disability retired list.



505 (2) The legal assistance associate general counsel,
506 with the advice and consent of the state staff judge
507 advocates, may limit legal assistance in times of emergencies
508 or to certain categories of cases based on availability of
509 expertise or resources.

510 (3) Dependents of eligible individuals identified
511 herein. For purposes of this subdivision, the term "dependent"
512 has the same meaning as defined in 10 U.S.C. § 1072.

513 (4) Surviving dependents of eligible individuals as
514 identified herein who would be eligible for legal assistance,
515 if the service member or retired member were alive.

516 §31-2C-9.

517 The Adjutant General or a state staff judge advocate
518 may limit or expand the Legal Assistance Program depending on
519 the space, facilities, or personnel available and the nature
520 and scope of services needed.

521 §31-2C-10.

522 Preventive law services are an integral part of the
523 Legal Assistance Program as defined in Army Regulation 27-1
524 and Air Force Instruction 51-304, the purpose of which is to
525 assist and educate Alabama National Guard members, employees,
526 retirees, and dependents about their legal rights, privileges,
527 and responsibilities. The Alabama National Guard Legal
528 Assistance Program shall strive to work with state agencies,
529 local and state bar associations, and community leaders on the
530 most pressing legal issues to best address any issues and to
531 disseminate legal information to assist eligible persons in
532 making sound legal decisions.



533 \$31-2C-11.

534 (a) The Legal Assistance Program shall include a
535 Preventative Law Program that does all of the following:

536 (1) Publishes one or more preventative law publications
537 per quarter and distributes the publications via any medium
538 easily accessible to eligible clients.

539 (2) Participates in command newcomer orientation
540 briefings, professional development programs, general military
541 training, other unit education programs, and family readiness
542 group presentations. Attorneys and paralegals are encouraged
543 to sponsor and participate in lectures, seminars, forums, and
544 meetings that inform soldiers, family members, and retirees
545 about legal problems and issues.

546 (3) Maintains a legal assistance website or social
547 media presence that contains information on the office hours,
548 location, and services available. Legal assistance offices are
549 encouraged to disseminate preventative law materials on these
550 sites. All published material must be reviewed and updated at
551 least quarterly to ensure accuracy.

552 (4) Makes preventive law handouts available in waiting
553 rooms and other appropriate locations.

554 (b) In addition to taking the above measures to educate
555 soldiers and their family members, the Preventative Law
556 Program shall employ the following measures to prevent future
557 legal issues:

558 (1) Identify landlords and other businesses that take
559 unfair advantage of soldiers and family members and coordinate
560 with local installation housing referral offices, local Armed



561 Forces Disciplinary Control Boards, and local, state, and
562 federal consumer protection agencies to develop procedures to
563 enforce fair business practices.

564 (2) Assess whether changes in law or regulation could
565 prevent common legal problems and make regulatory or
566 legislative suggestions to initiate those changes.

567 Recommendations for changes to federal law, regulations, or
568 other policy should be forwarded to the Alabama National Guard
569 Legal Services Office.

570 §31-2C-12.

571 (a) The scope of Alabama National Guard legal services
572 is limited to the types of cases, matters, and services as
573 defined and outlined in Army Regulation 27-3, Air Force
574 Instruction 51-304, and Army National Guard Instruction
575 51-504.

576 (b) The Alabama National Guard Legal Services Office
577 may limit or expand any services depending on expertise,
578 resources, and personnel.

579 (c) Legal assistance services are provided at no cost
580 to a client; however, the Alabama National Guard Legal
581 Services Office is not responsible for any costs associated
582 with a client's legal matter, including, but not limited to,
583 court fees, charges, filing fees, discovery fees, application
584 fees, appeal bonds, fines, civilian or private attorney fees,
585 or any other costs.

586 §31-2C-13.

587 (a) All judge advocates providing legal assistance must
588 obtain and hold an occupational license from the Alabama State



589 Bar, or, with exception and approval of a state staff judge
590 advocate, from another state bar under which the judge
591 advocate is licensed. Further, judge advocates should
592 establish and maintain a liaison with national, state, and
593 local bar organizations. Membership in professional
594 organizations, especially local branches involved in providing
595 legal services pertinent to the military community and
596 attendance at professional meetings and seminars is
597 encouraged.

598 (b) Upon receipt of necessary approval by a state staff
599 judge advocate, judge advocates and personnel may obtain
600 reimbursement of license fees and any necessary fees
601 associated with continuing legal education or membership in
602 local or state bar associations.

603 (c) Legal assistance attorneys are encouraged to
604 provide presentations to their civilian counterparts on
605 military legal assistance issues.

606 (d) The Legal Services Office shall work to incorporate
607 the purposes of the Military Law Committee with coordination
608 between the Alabama State Bar and local bar associations
609 regarding military legal services, referral services, and
610 legal issues within this state.

611 §31-2C-14.

612 Nothing in this chapter shall affect the standards of
613 professional conduct required by the United States Army,
614 United States Air Force, National Guard Bureau, or the Alabama
615 State Bar, nor shall it expand any services of the Legal
616 Services Office or personnel, outside of the scope and



617 liability protections of the applicable service regulations.
618 All functions under this chapter and Chapter 2B and all other
619 activities relating to the Legal Services Office are
620 governmental functions for defense and security of Alabama
621 State Military Forces.

622 \$31-2C-15.

623 (a) Judge advocates and paralegals while performing
624 duties under Title 10 or Title 32, U.S.C., may perform
625 notarial acts, pursuant to 10 U.S.C. § 1044a, or if qualified
626 as a notary public under state law.

627 (b) Pursuant to 10 U.S.C. § 1044a, judge advocates,
628 even when not in a duty status, have the general powers of a
629 notary public in the performance of all notarial acts.

630 (c) Pursuant to 10 U.S.C. § 1044a(b)(4), Alabama
631 National Guard paralegals have the general powers of a notary
632 public in the performance of all notarial acts, even when in a
633 non-duty status.

634 (d) Judge advocates and paralegals may use a seal or
635 stamp citing the authority under 10 U.S.C. § 1044a when
636 performing notarial acts.

637 (e) The cost of a state notary public commission, if
638 required by a state staff judge advocate, may be reimbursed
639 upon his or her approval.

640 (f) Civilian employee notaries may perform these
641 services within the limits of the commission under the rules
642 for the jurisdiction. No fees may be charged for these notary
643 services.

644 (g) All actions of military notaries qualified under 10



SB198 Enrolled

645 U.S.C. § 1044a are valid and enforceable in this state.

646 Section 3. This act shall become effective on October
647 1, 2025.



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655 President and Presiding Officer of the Senate

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660 Speaker of the House of Representatives

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663 SB198

664 Senate 06-Mar-25

665 I hereby certify that the within Act originated in and passed
666 the Senate.

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668 Patrick Harris,
669 Secretary.

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672
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674 House of Representatives

675 Passed: 20-Mar-25

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By: Senator Givhan