§ 1044. Legal assistance

(a) Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs to the following persons: The Secretary concerned shall provide legal assistance in connection with their personal civil legal affairs to members of the armed forces who are on active duty

—(1) Members of the armed forces who are on active duty.

—(2) Members and former members entitled to retired or retainer pay or equivalent pay.

—(3) Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.

—(4) Members of reserve components not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense), for a period of time, prescribed by the Secretary of Defense, that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty.

—(5) Dependents of members and former members described in paragraphs (1), (2), (3), and (4).

(b) Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title [10 USCS § 801(1)]) under the jurisdiction of the Secretary is responsible for the establishment and supervision of legal assistance programs under this section.

Subject to the availability of legal staff resources, the Secretary concerned may provide legal assistance in connection with their personal civil legal affairs to the following persons:

—(1) Members and former members entitled to retired or retainer pay or equivalent pay.

—(2) Officers of the commissioned corps of the Public Health Service who are on active duty or entitled to retired or equivalent pay.

—(3) Members of reserve components not covered by paragraph (1) or (2) following release from active duty under a call or order to active duty for more than 30 days issued under a mobilization authority (as determined by the Secretary of Defense and for the Coast Guard, the Secretary of the department under which the Coast Guard is operating), for a period of time, prescribed by the Secretary concerned, that begins on the date of the release and is not less than twice the length of the period served on active duty under that call or order to active duty.

—(4) Dependents of members and former members described in paragraphs (a) or (b)

—(5) Other such persons authorized by the Secretary concerned.

(c) This section does not authorize legal counsel to be provided to represent a member or former member of the uniformed services described in subsection (a), or the dependent of such a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship. Under such regulations as may be prescribed by the Secretary concerned, the Judge Advocate General (as defined in section 801(1) of this title) under the jurisdiction of the Secretary is responsible for the establishment and supervision of legal assistance programs under this section.
(d) The Secretary concerned shall define “dependent” for the purposes of this section. This section does not authorize legal counsel to be provided to represent a member or former member of the uniformed services described in subsection (a) or (b), or the dependent of such a member or former member, in a legal proceeding if the member or former member can afford legal fees for such representation without undue hardship.

(e) The Secretary concerned shall define “dependent” for the purposes of this section.

(f) Legal assistance provided under this section, as well as sections 1044a-1044d, means legal advice provided by counsel who are:

(1) A judge advocate (as defined in section 801(13) of this title); or

(2) A civilian attorney serving as a legal assistance officer under this section, and section 1588. Counsel providing legal assistance pursuant to this section and sections 1044a-1044d shall be permitted to do so in geographic locations, including states in which they are not licensed, at the direction of the Secretary concerned.