



# THE JBSA JURIST

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## Attorney Advice: Testifying in Civilian Court

Offering testimony in a civil proceeding can seem like a daunting prospect. When you receive a subpoena ordering you to provide testimony or participate in a deposition, contact your local legal office for assistance.

- Witness in Private Litigation—If you receive a subpoena to testify in private litigation, even if the Air Force does not have an interest in the case, please contact the legal office immediately. You must have permission of the local Staff Judge Advocate to participate. In accordance with AFI 51-301, the legal office will review the subpoena, explain to you what it means, and verify that the Air Force does not have an official interest in the case. Second, the legal office will confirm that the information you are being asked to provide is not “expert testimony” and is not protected information.
- Medical Provider—If you are a medical provider and receive a subpoena to testify in case, it is important that you consult the local Medical Law Consultant (MLC). For medical personnel, the MLC must give permission for you to provide witness testimony, a deposition, an interview, or to make a statement on factual matters.
- Expert Testimony—If you are being requested to testify or give a deposition as an expert or offer your opinion, permission to testify will be required from a higher level of the Air Force.
- Information—We must be very careful whenever Air Force personnel are asked to provide testimony or a deposition in litigation. As a military member, you may have access to information that is protected—such as personnel records, investigative reports, classified information or medical reports. There are specific rules regarding how and when this information can be disclosed. Your local legal office will help navigate these rules.
- Foreign Litigation—If you are subpoenaed to testify in foreign litigation, contact your legal office immediately.
- What if I am being sued or am a named party in a lawsuit? Contact your local legal office. If it is a personal matter, like a dispute with business, you will likely be provided contact information for the local legal referral service. However, if it involves actions you took on-duty, as an employee or while in duty status, the Department of Defense may be able to intercede in the case, remove your name from the lawsuit or provide representation. Again, your local legal office can help you.
- Uniform—Once given permission to testify, your local legal office can help you understand if you may testify in uniform. There are certain rules that apply to wearing the uniform, because it can imply a government interest or government involvement in a matter even when that is not the case. For example, in private civil litigation where the Air Force has no interest (a friend’s criminal trial or divorce hearing), you will not likely be allowed to testify in uniform. And if you are the subject of a criminal proceeding in a civilian court (like a DUI trial), you are not allowed to attend in uniform. Please consult AFI 1-1 for a full discussion of the rules.
- Expenses and Travel—Once given permission to testify, you should determine how you will be attending the hearing. In most cases where the Air Force does not have an official interest, you will be attending in your personal capacity and will need to be on leave or on a pass. If it is a civilian criminal proceeding in which the Air Force does not have an interest, you may be allowed to attend in permissive TDY status. Finally, if you are given permission to attend and the Air Force does have an interest in the proceeding, you may be placed in TDY status and your expenses may be paid.
- General Tips—Once you are given permission to testify, you should ensure that you arrive at the hearing on time. You should listen very carefully to the questions you are asked and answer truthfully. If you do not know the answer to the question, do not guess! You should simply say “I do not know.” If you have previously made a written statement, but now cannot remember the details, you can ask the attorney or the judge to review your previous statement to refresh your recollection. If you are asked to provide government records or information from government records and do not have permission to release that information, inform the court that you do not have permission to provide that information and ask for an opportunity to contact the local legal office.

**AREA DEFENSE COUNSEL**

*ADCs are experienced judge advocates outside the local chain of command to allow Airmen completely confidential legal advice for criminal and adverse matters.*

**Ft Sam Houston: DSN 471-9679**

**Lackland: DSN 473-2924/2926**

**Randolph: DSN 487-2274**

**SPECIAL VICTIMS' COUNSEL**

*SVCs are experienced, independent judge advocates who provide confidential legal advice to victims of sexual assault. They serve both restricted and unrestricted reporters, help victims understand their legal rights, and explain how the legal process works for processing sex assault claims.*

**JBSA (LAK, FSH, RND): DSN 473-4748**

**PREPARE FOR YOUR  
LEGAL ASSISTANCE APPOINTMENT**

**LOG ONTO: <https://aflegalassistance.law.af.mil>**

**Wills & Power of Attorney Powers of Attorney**

1. Click on tab "Legal Worksheets"
2. Complete worksheet for documents you wish to have created
3. Save your ticket number, then call the Legal Office for an appointment!
4. Please complete survey online

**Legal Assistance**

1. Click on tab "Legal Information"
2. If the information you are looking for is not listed, call the Legal Office for an appointment!
3. Please complete online survey!

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**TO SCHEDULE AN APPOINTMENT CALL  
ONE OF THE OFFICES BELOW**

**JBSA-Ft Sam Houston**

502 FSG/JA  
2422 Stanley Road

*Legal Assistance Primarily by  
Appointment*

**Walk-in Hours**

Tues 0830-1030 All eligible clients  
Thurs 0830-1030 Active Duty only

**Notary and Powers of Attorney**

Mon-Thurs 0730-1630  
Fri 0730-1200

**DSN 420-0169  
Comm: 210-808-0169**

**JBSA-Randolph**

502 SFLSG/JA  
1 Washington Circle, Bldg 100

*Legal Assistance Primarily by  
Appointment*

**Walk-in Hours**

Tues 0900-1000 All eligible clients  
Thurs 0900-1000 Active Duty only

**Notary and Powers of Attorney**

Mon-Fri 0800-1500

**DSN 487-6781  
Comm: 210-652-6781**

**JBSA-Lackland**

502 ISG/JA  
1701 Kenly Ave, Suite 134

*Legal Assistance Primarily by  
Appointment*

**Walk-in Hours**

Wed 0830-0930 All eligible clients

**Notary and Powers of Attorney**

Mon, Tues, Thurs, Fri 0830-1530  
Wed 0830-1230

**DSN 473-3362  
Comm: 210-671-3362**



**WISDOM - VALOR - JUSTICE**