

Pre-deployment briefs

- I. General Information
 - a. Where Legal Assistance is located (bldg 1514) and when we are open
 - b. Services Legal Assistance provides
 - i. We cannot go outside the gate to help you (off base), but if we can't help you we can get you in touch with someone who can
- II. SCRA
 - a. Service members Civil Relief Act, replaced the Soldiers and Sailors Act
 - b. Protects Marines against CIVIL judgments while deployed
 - i. Foreclosures, divorces, getting sued
 - ii. But NOT criminal
 - 1. If you punch someone out in Palm Springs the District Attorney can still pull you off your deployment to face the criminal charges
 - 2. This includes speeding/parking tickets
 - c. 6% interest cap
 - i. Any PRE-SERVICE loans cannot have an interest rate over 6% while you are active duty.
 - 1. We need to see a statement from the debt company and your service record (adj will usually provide)
 - 2. Applies to all loans, but credit cards are tricky – typically you put expenses on the credit card
 - d. Consumer Issues
 - i. Generally
 - 1. Deploying for 90+ days, and need either a letter from command stating pertinent details about deployment or a copy of deployment orders
 - ii. Loaned vehicles
 - 1. If you have loaned a vehicle, and you are up to date on your payments, you can simply return the vehicle
 - iii. House rentals
 - 1. For Marines living out in town, you can cancel your lease. You are responsible only for the next month's rent
 - a. It is imperative that you get written notice in as soon as possible
 - b. If you give notice on the 30th of March, you are only responsible for April's rent

- i. But if you give notice on 8 April, you will be responsible for both April and May rent

- iv. Cell Phone Contracts

- 1. Can either cancel cell phone contract or put a hold on your account until you come back
 - a. This applies to the rate plan (i.e. if you are paying the company for the cell phone you bought, you are still responsible for that)

- III. Random Consumer Issues

- a. Get things in writing

- i. Whether you are giving notice or signing a contract or whatever, always get it in writing. If you need to mail something, always have it delivered “certified return receipt requested” so you have proof when someone gets what you sent them.

- b. Car buying

- i. For used cars, you always have 2 days to return the vehicle
 - 1. ALWAYS get a mechanic of your own to inspect the vehicle during those two days. It will cost around \$200, but its better than showing up in our office three months later with a vehicle you bought for \$10k being worth about \$3k because they sold you a lemon
- ii. Craigslist
 - 1. Need to be very careful. We had a Marine buy a car off CL, pick it up in a State Bros parking lot, from a guy with a burner cell phone, who found out two weeks later that the vehicle had recently been involved in a bank robbery.

- c. Credit Checks

- i. Get a free credit report (not a score, but free report) from the three bureaus – Equifax, Transunion and Experian.
 - 1. Credit Karma is a good site, but annualcreditreport.com (not free credit report) will give you one free report from each bureau per year
- ii. Each bureau does fraud tracking for free while you are on deployment
 - 1. Basically nobody can open up new credit while you are deployed

- IV. Power of Attorney

- a. What is a POA?

- i. Giving someone else the ability to act on your behalf

- ii. It is very much recommended to get a POA, but nobody can MAKE you have one. POA's give away
- b. General v. Special
 - i. General is what it sounds like – all encompassing
 - ii. Special is more check the box, pick and choose what powers you want to give away
- c. General POA
 - i. Not recommended
 - 1. Story time
 - a. Marine who gave general to prostitute in Vegas to rent out a condo – she ends up bringing business back home making the condo a brothel and the Marine a pimp ... ILLEGAL
 - b. Married Marine who gave general to his mother. Mom divorces wife while he is on deployment
 - c. Marine whose wife took out a 20k loan with Marine as co-signer. Marine (now divorced) finds out about loan for the first time three years later when Navy Fed starts taking out 500 per month because ex-wife stopped paying it.
 - ii. Purpose of these stories
 - 1. We do not recommend general, but realistically lots of Marines will get them. We tell these stories to illustrate how all-encompassing they are, so if you are going to give a general, make sure it is to someone you trust very much
 - iii. General general info
 - 1. 1 year at a time
 - 2. Some places will not accept general POAs (even though they are supposed to, many places will just say no), so we recommend getting a special POA along with the general
- d. Special POA
 - i. 19 box check list
 - 1. Sign the box if you want to give away the power
 - 2. Cross the box if you do not want to give away that power
 - ii. Important
 - 1. Many Marines will just sign all the boxes not realizing what they are giving away (i.e. Marine who does not own a home gives brother permission to buy property on his behalf)
- e. Really Special POAs
 - i. Vehicle POA

1. Marines will often go park their car out in town and, because there isn't a no parking sign, think that they can park there for the next 7 months
2. Not true. After a month or so, vehicle will be towed.
 - a. Although the towing company is not supposed to do so without a court order, inevitably they will put a storage lien on the vehicle and then sell it
 - b. When that happens, we can help the Marine out \$\$ wise, but if there is a bona fide purchaser for their car, car gone
3. Vehicle POAs give someone the ability to do anything with the car OTHER THAN selling it (drive it around, register it, get out of the tow yard, etc.)

ii. Take care of my kids POA

1. For Marines who have kids at home, but spouse not there
 - a. Give someone the ability to take kids to the doctor or enroll them in school

V. Wills

a. Dying without a will

i. What happens?

1. If you are married, spouse gets everything
2. If not married and no kids, state law usually gives everything to parents

b. Do you need one?

- i. Recommended if you are married, have kids, own property, or have specific things you want to go to someone other than mom and dad

c. POAs associated with will package

- i. You can get one of these even if you don't want to do a will

ii. Living Will

1. Pull the plug – I'm being kept alive by a machine and I want the doctor to pull the plug

iii. Medical POA

1. If you cant make decisions for yourself (usually medically related but can be for anything), then you give someone the power to make medical decisions on your behalf

iv. Springing durable POA

1. It springs into action at a certain time (POW, while on deployment, when doctor says you cant make decisions for yourself)
2. Just like the medical POA, but it is more for financial decisions – like a general POA

VI. POA Walkthrough

a. General POA

- i. Your name and city-state (can be here, can be home of record – yours isn't as important.
- ii. Whoever you are giving it to – name and city-state should match whatever is on their driver's license or some other form of ID
 1. To use the POA, mom or brother or whoever will have to have the ORIGINAL POA, and some form of ID that matches what the POA says
- iii. Tax Year
 1. Recommended to have someone take care of any issues that might arise for this last year
 2. So even though today is 25 February 2015, and I have already filed my taxes (for tax year 2014), I will put 2014 because I want the taxes I just filed covered
- iv. How long can it go for?
 1. No later than one year from the date you are signing it
- v. Last page
 1. For us to fill out

b. Special POA

- i. Same deal for your name and city-state plus other person's name and city-state
- ii. Special boxes
 1. F – Bank accounts. Need name of bank and account number. Its ok if they don't know it off the top of their heads (we will still sign off on it), but they need to know that the info needs to get in there
 2. G – Handling lawsuits
 - a. Even though SCRA protects from civil suit, giving this power away allows someone else to handle that lawsuit on your behalf
 3. H and I – Buying and Selling real estate in your name

4. S – Miscellaneous

- a. For Marines living on base, “All matters related to Lincoln Military Housing”
- b. For Marines signing every box, it is ok to sign the box and leave it blank just in case spouse or mom needs to fill in something that is not covered

iii. Same deal with length of POA and last page