

MILPERSMAN 1910-406

CONSULTATION WITH COUNSEL PRIOR TO ELECTING RIGHTS

Responsible Office	NAVPERSCOM (PERS-832)	Phone:	DSN	882-4433
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1. **Qualified Counsel.** Use the following table to determine a member's right to consult with counsel:

The member...	Except WHEN...	THEN...
has the right to consult with qualified counsel prior to electing any rights,	member is away from or deployed outside the United States or away from an overseas home port, or deployed to a shore activity remote from Judge Advocate resources,	nonlawyer counsel shall be appointed. Any appointed nonlawyer counsel shall be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed separation, and no involvement in the separation process itself. The nonlawyer counsel should seek advice from any judge advocate on legal issues relevant to the case whenever necessary.
	no qualified counsel is assigned or reasonably available in the activity's geographical area (normally within 50 miles),	
	the commanding officer (CO) does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next 10 calendar days,	
	the CO determines that needs of the Naval Service require processing before qualified counsel will be available,	
may consult with civilian counsel at the member's own expense, NOTE: The member's use of civilian counsel does not eliminate the requirement of the CO to furnish qualified counsel or nonlawyer counsel as appropriate.	consultation with civilian counsel will delay orderly processing,	