

Military members and Air Force civilians are often called upon to testify or appear at court for various administrative and judicial matters. When that happens, it is important to know the basics of when and how you are allowed to testify. If you receive such a demand, please contact the Legal Office immediately for advice.

Subpoenas and Requests for Information:

If you receive a subpoena or investigative demand for Air Force information (i.e., information you received in the course of your official duties), you need to inform your leadership immediately, so that they can work with the Legal Office to respond appropriately.

Witnesses in Official Air Force Litigation:

Military members might be called upon to testify in a matter where the Air Force has an interest in the outcome of the matter. These include courts-martial, discharge boards, and EEOC and Merit System Protection Boards (MSPB) hearings. The Air Force attorney you are working with will tell you what to expect at the hearing. Military members typically wear their uniform when testifying in their official capacity.

Witnesses in Private Litigation:

Air Force personnel may testify in their unofficial capacity in private litigation in which the United States has no interest if there is no prohibition against releasing the requested information and the government incurs no expense. Private litigation may include divorce cases and cases where a military member may have been a witness to a car accident, for example. Air Force personnel testifying in their unofficial capacity in private litigation may do so when on leave or when they receive a pass from their commander. Air Force military personnel testifying in an unofficial or private capacity may not wear their uniform. If you are testifying in private litigation, please contact the Legal Office; we can brief you regarding appropriate dress and testimony.

Witnesses in Criminal Trials:

The rules related to when and how military members may testify at criminal trials is complex. Please have your leadership contact the Legal Office if you expect to testify in a criminal trial for specific guidance. Also, AFI 36-2903, Dress and Personal Appearance of Air Force Personnel, prohibits wearing a uniform while participating in civilian court proceedings when the conviction would bring discredit to the Air Force.

Foreign Legal Proceedings:

It is rare, but not unheard of, for government personnel to receive writs, summons, notice of legal proceedings, or other foreign civil process. If this happens, you should immediately forward this information to the Legal Office for review.