



UNITED STATES MARINE CORPS
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS
MARINE CORPS DEFENSE SERVICES ORGANIZATION (JAD)
755 SOUTH COURTHOUSE ROAD, SUITE 1000
ARLINGTON, VA 22204-2482

IN REPLY REFER TO
5817
CDC
17 Jan 12

CDC Policy Memo 01-12

From: Chief Defense Counsel of the Marine Corps
To: Distribution List

Subj: USE OF STUDENT DEFENSE COUNSEL WITHIN THE MARINE CORPS DEFENSE SERVICES ORGANIZATION

Ref: (a) MCO P5800.16A (LEGADMINMAN))
(b) CDC PM 1-11 (Ethical Obligations of Defense Support Personnel)
(c) CDC PM 3-11 (Defense Counsel and Legal Intern Orientation Checklist)

Encl: (1) Statement of Understanding for Student Judge Advocates
(2) Client's Statement of Understanding Regarding Use of Student Judge Advocates

1. Purpose. To publish two statements of understanding that must be executed before a student judge advocate in the Marine Corps Defense Services Organization (DSO) can be assigned to support defense counsel for courts and administrative hearings and to encourage detailed defense counsel to seek judicial approval to allow student defense counsel to participate as non-lawyer assistants and sit at counsel table in appropriate cases.

2. Discussion.

a. Reference (a) provides that student judge advocates be assigned to support DSO Branch Offices in a manner similar to the assignment of student judge advocates provided to support the local military justice section. Experience has shown this program to be a huge success as student judge advocates have been force multipliers for the DSO and the legal community as a whole. For example, student judge advocates have helped investigate cases, draft motions, research legal issues, prepare witnesses, and sat at counsel table during cases.

b. Upon assignment to the DSO, student judge advocates become "student defense counsel" and are required to by references (b) and (c) to complete certain forms to demonstrate a basic understanding of the DSO's role in the military justice system. Senior Defense Counsel are responsible for ensuring that student defense counsel are challenged, mentored, and fully integrated into the DSO. One method to broaden a student defense counsel's experience while meeting the needs of our clients is to assign a student defense counsel as a non-lawyer assistant under Rule for Courts-Martial 506(e), allowing the student defense counsel sit at counsel table. Given the valuable learning experience for student defense counsel sitting at counsel table and the value they provide, detailed defense counsel are encouraged to request judicial approval for the student defense counsel to sit at counsel table and military judges are encouraged to approve this practice.

Subj: USE OF STUDENT DEFENSE COUNSEL WITHIN THE MARINE CORPS DEFENSE SERVICES ORGANIZATION

3. Policy. In order to ensure all parties understand the role of the student defense counsel, most particularly that a student defense counsel has not been detailed to represent an individual client and that the severance limitations of Rules for Courts-Martial 505 and 506 do not apply to student defense counsel serving as a non-lawyer assistants, the enclosures must be completed before a detailed defense counsel can request that a student defense counsel be allowed to sit at counsel table before a court or board. Completion of these enclosures are intended to inform both the student defense counsel and the client of these nuances involving the role of the student defense counsel. A copy of these forms will be provided to the military judge after referral.



J. G. BAKER

Distribution List:
SJA to CMC
LSSS OICs and Law Center Directors
All members of the DSO
NMCTJ Code 52, OJAG
Circuit Judges



UNITED STATES MARINE CORPS
[BRANCH OFFICE]
MARINE CORPS DEFENSE SERVICES ORGANIZATION
[ADDRESS]

IN REPLY REFER TO
5817
Office
DATE

From: Name of Accused
To: Distribution List

Subj: CLIENT'S STATEMENT OF UNDERSTANDING REGARDING USE OF STUDENT
DEFENSE COUNSEL ON MY CASE

1. _____ I understand that I have a right to be represented by a detailed defense counsel, a civilian defense counsel and/or an individual military counsel. These rights do not extend to representation by a student defense counsel.
2. _____ I understand that a student defense counsel may not be detailed to my case, but that a student defense counsel may be assigned to assist my defense team.
3. _____ I understand that an assignment of student defense counsel to my case does not form an attorney-client relationship between the student defense counsel and me.
4. _____ I understand that if a student defense counsel assists my detailed defense counsel, all communications and work-product by the student defense counsel regarding my case are privileged and may not be disclosed without my informed consent.
5. _____ I understand that the student defense counsel may execute orders at any time which would remove them from the Defense Services Organization and as a non-lawyer assistant on my case.
6. After discussing this matter with (Detailed Defense Counsel), I would like to request that:
 - a. _____ a student defense counsel assist my defense team on my case.
 - b. _____ a student defense counsel NOT assist my defense team.
7. _____ I understand that a copy of this form and its cover letter will be provided to me, list all co-counsel individually, the detailing authority, and the military judge and a copy maintained in my case file.

Signature of Accused

Witnessed by:

Signature of Detailed Defense Counsel

Subj: CLIENT'S STATEMENT OF UNDERSTANDING REGARDING USE OF STUDENT
DEFENSE COUNSEL ON MY CASE

Distribution List:

Client

Detailed Defense Counsel

Military Judge

Detailing Authority

RDC



UNITED STATES MARINE CORPS
[BRANCH OFFICE]
MARINE CORPS DEFENSE SERVICES ORGANIZATION
[ADDRESS]

IN REPLY REFER TO
5817
[OFFICE]
[Date]

From: Name of Student Defense Counsel
To: Distribution List

Subj: STATEMENT OF UNDERSTANDING REGARDING MY PARTICIPATION ON
CASES WITHIN THE DEFENSE SERVICES ORGANIZATION

Ref: (a) CDC Policy Memo 1-11 (Ethical Obligations of Defense Support Personnel)

Encl: (1) Executed CDC Policy Memo 1-11 Statement of Understanding

1. ____ I have read and understand the reference, which outlines my ethical obligations while assigned to the Marine Corps Defense Services Organization (DSO). Enclosure (1) contains my executed Statement of Understanding.
2. ____ I understand that I may be assigned to act as a student defense counsel to detailed defense counsel regarding cases within the Defense Services Organization (DSO).
3. ____ I understand that all communications and work-product regarding DSO cases are privileged and may not be disclosed without the clients' prior informed consent, obtained by the detailed defense counsel.
4. ____ I understand the scope of my participation may vary, but under reference (b), I may not form an attorney-client relationship as defined in reference (a) under any circumstances.
5. ____ I understand that I may execute orders at any time which would remove me from the DSO and those orders take precedence over my duties within the DSO.
6. ____ I understand that I have an obligation, prior to departing the DSO, to conduct a thorough debrief with each detailed defense counsel I have assisted to ensure that all tasks have either been completed or are properly turned over to the detailed defense counsel.
7. ____ I understand that a copy of this form and its cover letter will be provided to me, each client I assist, all defense counsel I assist, the detailing authority, and the military judge.

Signature of Student Defense Counsel

Witnessed by:

Signature of Supervisory Counsel

Subj: STATEMENT OF UNDERSTANDING REGARDING MY PARTICIPATION ON
CASES WITHIN THE DEFENSE SERVICES ORGANIZATION

Distribution List:
Client
Military Judge
Detailing Authority
RDC