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IN REPLY REFER TO  
5817  
CDC  
14 Mar 13

**CDC Policy Memo 3-13**

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

**Subj: NEW DSO MEMBER ORIENTATION CHECKLISTS**

Encl: (1) New Defense Counsel Orientation Checklist  
(2) New Defense Legal Services Specialist Checklist

- Purpose. To update the New Defense Counsel Orientation Checklist and to issue the New Defense Legal Services Specialist Checklist in order to provide a baseline of knowledge for each defense counsel, legal services specialist and student judge advocates newly assigned to the Marine Corps Defense Services Organization (DSO) concerning the rules and regulations involved with serving as a defense counsel or enlisted support staff. This orientation process will stimulate discussions between members of the DSO, supported staff judge advocates, and the judiciary regarding the role of the DSO in the military justice system.
- Discussion. As part of our formal training program, new members of the DSO are required to complete either the New Defense Counsel Checklist or the New Defense Clerk Checklist. These checklists are part of an on-going effort to improve and standardize defense training and practices. These checklists will allow every Marine joining the DSO, regardless of rank or billet, to begin their assignment with a common understanding of the rules and regulations governing defense services and provide a better understanding of the defense's role in the military justice system.
- Policy. Every newly assigned defense counsel and student judge advocate will complete enclosure (1) within 21 days of being assigned to the DSO. Every newly assigned legal services specialist will complete enclosure (2) within 14 days of being assigned to the DSO. Completion of the checklists is their priority of effort. A new assigned defense may not be detailed to any case until completion of the checklist unless such is approved by the RDC. The original checklist will be maintained by the supervisory attorney for the duration of the Marine's assignment within the DSO.
- Conclusion. This CDC Policy Memo is effective immediately and cancels CDC Policy Memo 3-11.

  
J. G. BAKER

Distribution List:  
SJA to CMC  
Legal Chief of the Marine Corps  
LSSS & LSST OICs  
All members of the DSO

# Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)  
Orientation Checklist (March, 2013)

***Instructions:** Print this checklist and mark the blocks as you complete each item. You may complete in any order but should complete this within the next 21 days. Your Senior Defense Counsel (SDC) or mentor will initial on the line for each topic, confirming your completion. Where the checklist identifies that you discuss a topic with a DC, you may pick any in your region, but you may not conduct all discussions with the same DC.*

## Administrative Tasks

- Access the DSO SharePoint site (<https://ehqmc.usmc.mil/sites/cdc/default.aspx>). Create email alerts for announcements, discussions, and acquittal alerts, and respond to the “Who’s Using SharePoint” discussion thread with a brief introduction.
- Pick a recent discussion topic on SharePoint and research the question asked using the *Military Crimes and Defenses* or *Military Rules of Evidence Manual* hornbooks and post a written response.
- Create a Defense Connect Online account.
- Confirm your Lexis and Westlaw accounts.
- Contact the local Clerk of Court and request to receive the weekly docket.
- Ensure you have access to your local Defense Section shared drive.
- Download your region’s CIS.
- Obtain an electronic version of your branch’s DSO letterhead.
- Create your email signature block identifying yourself as a member of the DSO.
- Read the How-to Guide to access your USMC email on your smart phone via AKO.
- Ensure you have hard copies of the following in your office: MCM, JAGMAN, LEGADMINMAN, JAGINST 5803.1D, MARCORPSEPSMAN, Circuit Rules, CIS Handbook, and all CDC Policy Memoranda.
- Download the Practicing Military Justice handbook from TJAGLCS.
- Download the Electronic Military Judges’ Benchbook.

## Duties of a Defense Counsel

*Read the following materials:*

- DSO Mission Statement and Creed.
- DC 101 PowerPoint Presentation of 18 Sep 2012.
- Article 38, UCMJ.
- Rules for Courts-Martial 502 and 506 (particularly the discussions).
- JAGINST 5803.1C (Rules of Professional Responsibility).
- Chapter 2 of the LEGADMINMAN.
- All CDC Policy Memoranda.
- General Mattis’ letter to the DSO.
- Lessons Learned*, by Larry Pozner.
- Common Court-Martial Definitions and Frequently Asked Questions.
- DCAP’s Client Intake Packet

*Complete the following tasks:*

- Familiarize yourself with the following military justice blogs: [www.caaflog.com](http://www.caaflog.com); [www.court-martial-ucmj.com](http://www.court-martial-ucmj.com); [www.tjaglcs-adc.blogspot.com](http://www.tjaglcs-adc.blogspot.com)
- Familiarize yourself with the Detailing/IMC/Notice of Appearance Forms in the “Checklists, Forms, and Templates” section on SharePoint.
- Discuss the duties of a DC and all CDC Policy Memos with your SDC.



# Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)  
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## Discovery & Witnesses

*Read the following materials:*

- Rules for Courts-Martial 701, 702, and 703.
- Find motions to compel discovery, lay witness testimony, expert assistance, and expert witness testimony on SharePoint. Read the motions and all case law cited therein.

*Complete the following tasks:*

- Obtain the approved templates for discovery, witness, and expert requests.
- Discuss reciprocal discovery obligations, the standards for lay witness on the merits and in sentencing, and the difference between expert consultants and witnesses with a DC.

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## Article 32 Pretrial Investigations

*Read the following materials:*

- Article 32, UCMJ.
- Rules for Courts-Martial 405.

*Complete the following tasks:*

- Observe an Article 32 pretrial investigation.
- Discuss Article 32 strategies, including waiver, and as a discovery tool with a DC.

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## Article 39a Sessions

*Read the following materials:*

- Rules for Courts-Martial 904.
- The template Heritage Brief motion and all accompanying documentation.
- United States v. Campbell*, 71 MJ 19.

*Complete the following tasks:*

- Discuss the pros and cons of an arraignment versus a motion for docketing with a DC.
- Observe a motion session – read all relevant pleadings prior.

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## Guilty Pleas, Pretrial Agreements, and Sentencing

*Read the following materials:*

- Trial Guide (2012) (particularly the guilty plea inquiry).
- DCAP Guilty Plea Checklist.
- Model PTA.
- Collateral Consequence Advice Forms.
- Rules for Courts-Martial 1001-1003.

*Complete the following tasks:*

- Observe a guilty plea and a sentencing hearing.
- Discuss how to prepare a client for providency and the pros and cons generically between contesting a case and accepting a PTA with your SDC.

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## Contested Trials

*Read the following materials:*

- Rules for Courts-Martial 901-924.
- The Lessons Learned from the last 20 Acquittal Alerts on SharePoint.



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*Complete the following tasks:*

- Shadow a defense team for an entire contested trial.

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## **The Role of the Military Judge**

*Read the following materials:*

- Your local Circuit Rules.

*Complete the following tasks:*

- In-brief with your local Circuit Military Judge.

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## **Clemency and the Post-Trial Process**

*Read the following materials:*

- Rules for Courts-Martial 1101, 1105, 1106, and 1107.
- Appellate Rights Statement.
- Appellate Leave Request and all orders cited therein.

*Complete the following tasks:*

- Conduct an in-call with the Regional Review Officer to discuss the review process and the DC's role and responsibilities in that process.

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## **Non-Judicial Punishment & Summary Courts-Martial (the "lower forums")**

*Read the following materials:*

- Part V, Manual for Courts-Martial.
- JAGMAN, Chapter 1, Part B (§§ 0106-0119).
- CDC PM 2-13.
- Rules for Courts-Martial 1301-1306.
- Appendix 9 of the Manual for Courts-Martial (SCM script).
- Article 64, UCMJ.
- Lower Forum PTA templates.

*Complete the following tasks:*

- Watch the NJP counseling video.
- Observe NJP counseling at your LSST.
- Travel to a different LSST and observe NJP counseling (if possible).
- Attend the next scheduled summary court-martial officer training class.

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## **Administrative Separations**

*Read the following materials:*

- Chapters 1 and 6, MARCORSEPMAN.

*Complete the following tasks:*

- Observe an administrative separation board.
- Discuss the ad board process with your LSST's Legal Administration Officer.
- Discuss best practices in Ad Board litigation with a DC.
- Review at least two recently-completed administrative separation packages.



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## Article 31(b) Rights

*Read the following materials:*

- Article 31(b), UCMJ.
- Military Rules of Evidence 304 and 305.

*Complete the following tasks:*

- Find two motions to suppress statements due to inadequate rights advisement in the Motions Bank on SharePoint. Read the motions and all case law cited therein.
- Observe an Article 31(b) rights counseling session.
- Discuss the pros/cons of a suspect making a statement with a DC.

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## Initial Reviewing Officer Hearings and Confinement Facilities

*Read the following materials:*

- Rule for Courts-Martial 305.
- The local order addressing IRO hearings and any MOU with local confinement facilities.

*Complete the following tasks:*

- Observe an initial reviewing officer hearing.
- Discuss the pros and cons of waiving an IRO hearing with a DC.
- Schedule a meeting with an initial reviewing officer to discuss the IRO process.
- Introduce yourself to the officer in charge of the nearest brig and/or civilian confinement facility, tour the facility, and familiarize yourself with their rules pertaining to communications with clients, requests for transport, client restraint outside the facility.

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## The Marine Corps Legal Community

*Read the following materials:*

- Marine Corps Legal Services – Strategic Action Plan
- MCBUL 5400 – ReOrg of the LSSS
- MCBUL 5800 – Provision of Legal Support Within the Marine Corps

*Complete the following tasks:*

- Conduct an in-call with your LSST OIC and discuss the role of the LSST OIC.
- Conduct an in-call with an SJA and discuss the role of the SJA.
- Conduct an in-call with the Legal Chief and discuss the role that legal services support specialists play in the provision of legal services.
- Conduct an in-call or teleconference with the RDC Chief and discuss the role that 4421s in the DSO play in support of DCs and receive CIS training from the RDC Chief.
- Call the the DSO Legal Chief at (703) 604-0726 and DCAP at (703) 604-0574 and introduce yourself.

*When you have completed all items on this checklist, give the original to your SDC, who will arrange a meeting with the RDC, and send the CDC an introductory e-mail with your bio.*



Marine Corps Defense Services Organization  
New Defense Legal Services Specialist (4421) Checklist

\*\*Complete this checklist within the next 14 days. Have your respective defense chief review each area with you and initial the line when you are done. If you are the chief, have your supervisory attorney initial.\*\*

Name: \_\_\_\_\_ Rank: \_\_\_\_\_ Branch Office: \_\_\_\_\_

\_\_\_\_\_ **Never give legal advice.**

\_\_\_\_\_ **General Overview** of the Marine Corps Defense Services Organization. Discuss with the Senior Defense Counsel and the Defense Chief the following:

- DSO Mission & Creed
- Professionalism Always
- DSO Chain of Command vs. Administrative Chain
- Your Role as a DSO 4421

\_\_\_\_\_ **Walk-In Counseling** – Read the Information on Walk-In Counseling handout and the Adsep/NJP/Court-Martial Flowchart. Observe a walk-in counseling session from start to finish. Afterwards, ask the defense counsel any questions you may have about the process, rights of the Marine or Sailor, or your role as a defense clerk.

\_\_\_\_\_ **Initial Court-Martial Client Intake** – Observe an initial court-martial client intake counseling session from start to finish. Afterwards, ask the defense counsel any questions you may have about the process, rights of the client, or your role in the court-martial process.

\_\_\_\_\_ **Initial Ad-Sep Client Intake** – Observe an initial administrative separation client intake counseling session from start to finish. Afterwards, ask the defense counsel any questions you may have about the process, rights of the client, or your role in the AdSep process.

\_\_\_\_\_ **Witness Interviews** – Observe a witness interview from start to finish, including the attorney's preparation time beforehand. Afterwards, ask the defense counsel any questions you may have about the process, rights, or your role.

\_\_\_\_\_ **Client At-Risk for Suicide** – Read CDC PM 5-12 and discuss its contents and the important role that you will play in helping at-risk clients with one of the senior members of your branch.

\_\_\_\_\_ **SharePoint**

- Bookmark the DSO SharePoint website (<https://ehqmc.usmc.mil/sites/cdc>).
- Go to the Welcome Aboard section. Read the New Clerks section and the SharePoint & DCO Instructions guides in the How-To Guides section.
- Familiarize yourself with the Enlisted Corner. Create an enlisted discussion introducing yourself to your fellow 4421's within the DSO.
- Establish SharePoint Alerts for Announcements, Defense Discussions and Enlisted Corner Discussions.



Marine Corps Defense Services Organization  
New Defense Legal Services Specialist (4421) Checklist

\_\_\_ **Case Information System** – Familiarize yourself with how to add and update cases to CIS. Learn how to generate reports common for your office.

\_\_\_ **Defense Personnel Master Roster** – Ensure that your correct information is on the roster for your respective branch office/region immediately. This will ensure continuity in the lines of communication throughout the DSO.

\_\_\_ **3270 Access** – Ensure you have a logon ID and password that works for 3270. Know the commands to get to the screens with our client’s BIR/BTR/ROS/Awards/Page 11 information on them.

\_\_\_ **Westlaw/Lexis Access** – Ensure you have a logon ID and password that works for both Westlaw and Lexis. Know how to search for cases by case name and by topic. Know how to Shepardize cases and be able to identify if the case is still good law. Know how to use Lexis to find individuals.

\_\_\_ **Defense Connect Online** – Establish an account on Defense Connect Online (DCO). If you have questions how to do this, return to the How-To Guides section.

\_\_\_ **Case File Management** – Familiarize yourself with how case files are stored within the branch office. Ensure files are stored securely to protect client confidentiality. Ensure proper OPSEC by not leaving your CAC, evidence, or client materials unattended.

\_\_\_ **CDC Policy Memoranda** – Read all CDC Policy Memoranda, located on SharePoint.

\_\_\_ **Client Confidentiality** – Re-read Rules 1.6 and 5.3 of JAGINST 5803.1C. Complete the 4421 Statement of Understanding per CDC PM 1-11.

\_\_\_ **Communication** – Memorize and use the three rules of effective communication:

1. What do I know?
2. Who needs to know it?
3. Have I told them?

\_\_\_ **Office Equipment** – Ensure familiarity with printers, scanners, and networked storage solutions. Know where and how to get resupplies when needed.

\_\_\_ **Email** – Create a signature block identifying yourself as a member of the DSO and listing the contact info for your branch office.

\_\_\_ **Read Gen Mattis' letter to the DSO** – It is located in the Welcome Aboard section on SharePoint.

\_\_\_ **DSO Website** – Visit & bookmark the DSO website: <https://hqmc.usmc.mil/dso>

\_\_\_ **Brig** – Tour the brig or local confinement facility.

\_\_\_ **In-Call** – Have an in-person or DCO in-call with the RDC Chief.

I, \_\_\_\_\_, certify that \_\_\_\_\_ has successfully completed the New Defense Clerk Orientation Checklist in accordance with CDC Policy Memo X-13.

