



UNITED STATES MARINE CORPS
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS
MARINE CORPS DEFENSE SERVICES ORGANIZATION
HEADQUARTERS MARINE CORPS (CODE JAD)
WASHINGTON, D.C. 20380

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CDC Policy Memo 4-11

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

Subj: DEFENSE SERVICES ORGANIZATION FISCAL YEAR 2012 TRAINING PLAN

Ref: (a) MCRP 3-0A (Unit Training Management Guide)
(b) MCRP 3-0B (How to Conduct Training)
(c) MCDP 5 (Planning)
(d) Marine Corps Training and Readiness Manual (4400s) of Jan 2010
(e) Marine Corps Legal Services Strategic Action Plan 2010 to 2015

Encl: (1) Approved Training Events

1. Purpose. To establish an official training plan for the Marine Corps Defense Services Organization (DSO) that sets annual training requirements specific to defense services that are consistent with the references in order to improve the practice of law within the DSO.

2. Objectives.

- a. To formalize defense related training within the DSO.
- b. To reinforce proficiency in basic knowledge and skills expected of all members of the DSO.
- c. To identify and prioritize essential subject matter for training.
- d. To set training responsibilities among the Chief Defense Counsel of the Marine Corps (CDC), Regional Defense Counsel (RDC), Senior Defense Counsel (SDC), and the Reserve Branch.
- e. To identify training opportunities for members of the DSO from military, public, and private sector sources.
- f. To establish a training schedule that provides for meaningful training opportunities with enough advance notice of those training events to allow for maximum participation and minimal impact on the docketing of cases. To this end, the dates established in the enclosure were coordinated with the Trial Counsel Assistance Program and the responsible Law Center Directors

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and Officers-in-Charge, Legal Services Support Sections and approved by the Chief Judge, Navy-Marine Corps Trial Judiciary.

3. Approach to Training.

a. Training Principles. Many of the Marine Corps' training principles contained in reference (a) apply to training judge advocates and legal services specialists to ensure effective representation of Marines and other servicemembers. The training principles articulated in reference (a) are restated below along with an explanation of their application to the DSO.

(1) Train as You Fight. "All peacetime training must reflect battlefield requirements." Training for our defense counsel and legal services specialists should seek to prepare them for the stressful, complex, and rigorous nature of litigation.

(2) Make Commanders Responsible for Training. "Commanders at all levels are responsible for the training and performance of their Marines." This training plan defines training responsibilities and requirements for the CDC, RDCs, SDCs and our Reserve Branch.

(3) Use Standards-Based Training. Identifying standards and training to those standards establishes a common foundation and frame of reference for all members of the DSO.

(4) Use Performance-Oriented Training. Our training must be designed to improve performance. Training should not be conducted just to meet a requirement. Rather, the requirement is an opportunity to make our defense counsel and legal services specialists better.

(5) Use Mission-Oriented Training. "The mission analysis provides a careful assessment of possible warfighting missions, identifies specified and implied tasks, and is the foundation for the mission essential task list (METL)." By identifying the minimum tasks that our defense counsel and legal services specialists must be able to competently perform, we can better develop and prioritize training.

(6) Train the MAGTF to Fight as a Combined-Arms Team. Whenever possible, we must integrate our legal services specialists into our training program. We must, consistent with our ethical rules, emphasize teamwork among defense counsel where appropriate. To better represent our clients, we should strive for a better defense team, not just to be better defense counsel and legal services specialists.

(7) Train to Sustain Proficiency. "To sustain proficiency, commanders must continuously evaluate performance and design training programs that correct weaknesses and reinforce strengths. This means training year round, not focusing training on one or two key events during the year." Consequently, this training plan will emphasize continuous training.

(8) Train to Challenge. "If training is a challenge, it builds competence and confidence by developing new skills." We must always adapt and evolve our training, while ensuring we

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emphasize proficiency in the basic knowledge and skills required to zealously and effectively represent our clients.

b. General Training Priorities. Consistent with reference (b), my training priorities are as follows:

(1) Mission-Oriented. Our primary focus will be to train the members of the DSO to provide them with the knowledge, skills, and attitude necessary to effectively represent Marines and Sailors.

(2) Formal. We will train our defense counsel and legal services specialists in a formal setting in order to comply with directive requirements, such as state bar continuing legal education (CLE) requirements or any other such requirements.

(3) Ancillary. Ancillary training can be conducted as opportunity training when there is a lull in mission-oriented or formal training activities. This type of training concerns subjects that are usually ancillary to the DSO mission and, consequently, should be prioritized last.

c. Specific Training Priorities. The following training topics are priorities and intended to guide RDCs, SDCs, and the Reserve Branch during the development of training events. They are not listed in a strict order of priority and they are not all-inclusive.

(1) Suicide Awareness and Prevention. More than forty percent of Marines who commit suicide had a pending legal matter at the time of their death. Suicide awareness and prevention must be trained at every level and is a top priority.

(2) Ethics/Professional Responsibility. My number one expectation for each member of the the DSO is to "Be Professional Always." Ethics training must be continuous with an emphasis on JAGINST 5803.1C. In light of recent appellate decision, the training should focus on the rules governing confidentiality, conflicts of interests, and severance of the attorney-client relationship.

(3) Discovery. An aggressive discovery practice provides many opportunities to preserve, protect, and promote the interests of their clients.

(4) Motions Practice. This must emphasize efficient and effective pre-trial litigation.

(5) Trial Advocacy. This includes all aspects of litigation including voir dire, openings, closings, as well as direct and cross examinations.

(6) Effective Sentencing Cases. Given that most courts-martial include a sentencing phase, proficiency in presenting sentencing cases is an absolute requirement.

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(7) Negotiation and Pre-Trial Agreements. A case can be “won” simply by closing an advantageous pre-trial agreement.

(8) Common Case Training. Many cases involve similar fact patterns or common charges. Sexual assault, drug use and distribution, and child pornography cases are examples. Our defense counsel and legal services specialists need to understand all aspects of these cases and utilize lessons learned from other cases to best represent their clients.

(9) Expert Witnesses. This includes both effective use of expert testimony and effective cross-examination of experts.

(10) Administrative Separation Boards and Boards of Inquiry. Marine Corps units are using these options in much greater numbers and, as a consequence, members of the DSO need to master these forums and processes.

(11) Current Case Law Updates. It is important for our defense counsel and legal services specialists to stay current on changes in the law.

(12) Interrogation Techniques of Law Enforcement. Given the importance members place on confessions, defense counsel must understand the techniques used by law enforcement when conducting a case analysis or preparing to cross-examine law enforcement personnel.

d. Training Opportunities. As set forth in the enclosure, the CDC will host a DSO training conference annually, each RDC will conduct three regional training sessions, and each SDC will conduct training twice each quarter. Additionally there are numerous training opportunities for individual members of the DSO throughout the fiscal year.

e. Training Requirements.

(1) CDC.

(a) Attend at least one continuing legal education course during FY-12.

(b) Conduct an annual training conference during the second quarter.

(c) Train the RDCs collectively once per quarter. This training can be combined with other training opportunities. For example, the attendance of all RDCs at the annual SJA to CMC conference will satisfy this quarterly training requirement.

(d) Attend an RDC quarterly training session in each region during FY-12.

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(2) RDCs.

(a) Train collectively with the CDC once per quarter and attend at least one continuing legal education course during FY-12.

(b) With the support of the Reserve Branch, train all defense counsel and, as appropriate, all legal services specialists in the region once per quarter. The CDC's annual training will satisfy this requirement during second quarter. The remaining three quarters will include training on best practices led by the SDCs, trial advocacy led by the Reserve Branch, and other topics identified by the RDC.

(c) Attend a monthly training session in each office within the region during FY-12.

(d) Train each newly assigned defense counsel and legal services specialist on expectations of serving with the DSO.

(3) SDCs.

(a) Attend the CDC training conference, the RDC quarterly training sessions, all training events offered by the local trial judiciary, all mandatory training events required by their Legal Services Support Section Officer-In-Charge or Law Center Director, and, subject to budgetary constraints, at least one individual continuing legal education course during FY-12.

(b) Train all defense counsel and legal support specialists in their offices twice per quarter on topics approved by their RDC. SDCs in small offices may coordinate with other SDCs to meet this requirement.

(4) Defense Counsel. Attend the CDC training conference, the RDC quarterly training sessions, SDC training, all training events offered by the local trial judiciary, all mandatory training events required by their Legal Services Support Section Officer-In-Charge or Law Center Director, and, subject to budgetary constraints, at least one individual continuing legal education course during FY-12.

(5) Legal Services Specialists. Attend the CDC training conference, relevant RDC quarterly training sessions, SDC training, all mandatory training events required by the Legal Services Support Section Officer-In-Charge or Law Center Director and Legal Chief, and, subject to budgetary constraints, at least one individual continuing legal education course during FY-12.

(6) Reserve Branch.

(a) Branch Head.

1. Attend the CDC training conference.

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2. Attend an RDC quarterly training session in each region during FY-12.

(b) Reserve RDCs.

1. Attend the CDC training conference.

2. Attend two RDC quarterly training sessions in the region, leading the training session that is focused on trial advocacy.

3. Attend additional training as directed by the CDC or Reserve Branch Head.

(c) Reserve Training Officers.

1. Attend the CDC training conference.

2. Attend and support three RDC quarterly training sessions selected by the Reserve Branch Head.

3. Attend additional training as directed by the Reserve Branch Head.

4. Actions.

a. Regional Defense Counsel.

(1) Meet the training requirements set forth in the paragraphs above.

(2) Ensure all defense counsel and legal services specialist within your region complete the appropriate training requirements set forth in the paragraphs above.

(3) Coordinate funding with the local Staff Judge Advocates, Officers-In-Charge, and Directors for training for the defense counsel and legal services specialist in the region.

(4) Assist the CDC in planning the CDC's annual training conference.

(5) Meet periodically with the Circuit Judges within the region to identify trends and problem areas to incorporate into the regional training plan.

(6) Ensure records of all training are kept on file in your region and a copy of class rosters are forwarded up to my office at the end of each quarter.

(7) Ensure new personnel in your region are briefed on training requirements.

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b. Senior Defense Counsel.

(1) Meet the training requirements set forth in the paragraphs above.

(2) Ensure all defense counsel and legal services specialist within your office complete the appropriate training requirements set forth in the paragraphs above.

(3) Keep records of all training conducted and forward to the RDC on a monthly basis.

(4) Brief new Defense Counsel and Legal Services Specialists on training requirements.

c. Reserve Branch.

(1) Meet the training requirements set forth in the paragraphs above.

(2) Assist the CDC and RDC in developing training programs.

5. Applicability. The training plan is applicable to the entire DSO.



J. G. BAKER

Distribution List:

SJA to CMC

Legal Chief of the Marine Corps

LSSS OICs and Law Center Directors

All members of the DSO

NMCTJ Code 52, OJAG

FY-2012 DSO Training Plan

First Quarter (October through December)

7 Oct: Morning Only – MoJo/SDC Monthly Training – All Regions

24 - 27 Oct: SJA Conference

1 - 4 Nov: Crim Law New Developments

4 Nov: Morning Only – MoJo/SDC Training – All Regions

5-6 Dec – MARFORCOM TCAP Training – Eastern Only

7 Dec: MARFORCOM TCAP Training/RDC East Training Joint Training – Eastern Only

8- 9 Dec: RDC Training – All Regions

Second Quarter (January through March)

6 Jan: Morning Only – MoJo/SDC Training - All Circuits

9 – 10 Jan: TCAP MTT Japan – West-Pac Circuit

12 – 13 Jan: TCAP MTT Hawaii – West-Pac Circuit

3 Feb: Morning Only – MoJo/SDC Training – All Circuits

18 - 22 March: CDC Conference/MARFORPAC TCAP Training – All Circuits

Third Quarter (April through June)

6 Apr: Morning Only – MoJo/SDC Training – All Regions

30 Apr - 4 May: Defense and Trial Orientation Courses at NJS

7 - 11 May: Basic Trial Advocacy Course at NJS

4 May: Morning Only – MoJo/SDC Training – All Regions

6 - 7 June: RDC Training – All Regions

Fourth Quarter (July through September)

13 July: Morning Only – MoJo/SDC Training – All Regions

3 Aug: Morning Only – MoJo/SDC Training – All Regions

13 - 17 Aug: Defending and Prosecuting Sexual Assault Courses – will impact docketing

10-11 Sep: TCAP MTT East Coast/RDC East Training – Eastern Only

13-14 Sep: TCAP MTT West Coast/RDC Training West and Pacific- Western and Pacific Only

TBD Sept: Trial and Defense Orientation Courses at NJS

TBD Sept: Basic Trial Advocacy Course at NJS

DSO and TCAP Agreed Upon Dates to Block Docketing in **Bold**

TCAP training events listed for informational purposes only

Enclosure (1)