UNITED STATES MARINE CORPS
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS
MARINE CORPS DEFENSE SERVICES ORGANIZATION
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ARLINGTON, VA 22204-2482

In Reply Refer To:
5800
CDC
7 Oct 14

CDC POLICY MEMO 4-14

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

Subj: NEW DSO MEMBER ORIENTATION CHECKLIST

Encl: (1) Biographical Data Sheet (available at https://ehqmc.usmc.mil/sites/cdc/Welcome%20Aboard/Forms/AllItems.aspx)
(2) New Defense Counsel Orientation Checklist
(3) New Defense Legal Services Specialist Checklist

1. Purpose. To update the New Defense Counsel Orientation Checklist and to issue the New Defense Legal Services Specialist Checklist. To establish 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. I intend for the New DSO Member Orientation to be an iterative process, and to stimulate discussion between members of the DSO, supported staff judge advocates, and the judiciary regarding the role of the DSO in the military justice system.

2. Discussion. As part of our formal training program, each new member of the DSO will complete either the New Defense Counsel Checklist or the New Defense Clerk Checklist, as appropriate. These checklists are part of an on-going effort to improve and standardize defense training and practices. These checklists 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.

3. Policy. Each new member of the DSO will complete enclosure (1) within seven (7) business days of being assigned to the DSO. Newly assigned defense counsel and student judge advocate will complete enclosure (2) within twenty-one (21) days of being

assigned to the DSO. Newly assigned legal services specialist will complete enclosure (3) within fourteen (14) days of being assigned to the DSO.

a. Completion of the enclosures is priority of effort for all newly assigned personnel.

b. To the extent possible, newly assigned defense counsel shall be co-detailed as "second chair" alongside experienced counsel during completion of this checklist. Detailing authorities are encouraged to co-detail new counsel to a broad range of cases early.

c. Newly assigned defense counsel may only be detailed "solo" to a case upon completion of the checklist, unless otherwise approved by their RDC.

d. Enclosure (1) is available for download at https://ehqmc.usmc.mil/sites/cdc/Welcome%20Aboard/Forms/AllItems.aspx. In order to protect privacy interests, original copies of enclosure (1) will be delivered by the individual counsel via encrypted electronic mail message to the enlisted support staff of the Office of the Chief Defense Counsel of the Marine Corps, where they will be maintained under appropriate cover for preservation of personally identifiable information.

e. Enclosures (2) and (3) will be maintained by the supervisory attorney for the duration of the Marine's assignment within the DSO, and are subject to inspection.

4. Conclusion. CDC Policy Memo 3-13 is hereby cancelled. This CDC Policy Memo is effective immediately.

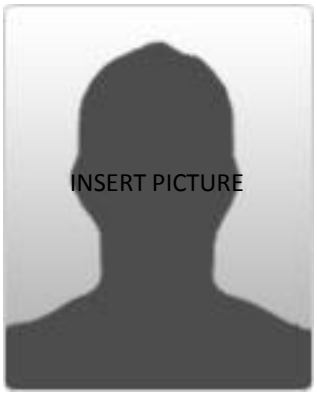
STEPHEN C. NEWMAN

Distribution List:
SJA to CMC
Legal Chief of the Marine Corps
All Marine Corps SJAs
LSSS OICs
LSST OICs
All members of the DSO
NMCTJ Code 52, OJAG

DSO PERSONNEL BIOGRAPHY

DSO HQ

TODAY'S DATE:



PERSONAL

FULL NAME:

RANK: DOR: AFADBD:

HOMETOWN: DATE OF BIRTH:

SPOUSE'S NAME:

NAME AND AGE OF DEPENDENT(S):

SERVICE

TIME IN SERVICE: DCTB: PROJECTED DSO ROTATION:

EAS/END OF OBLIGATED SERVICE:

PREVIOUS DUTY STATION(S) AND BILLET(S):

TRAINING

PFT: 1st Class CFT: 1st Class

RIFLE QUALIFICATION: Exempt PISTOL QUALIFICATION: Expert

RESIDENT MILITARY SCHOOLS ATTENDED (not to include basic military or MOS schools)

EDUCATION

PME COMPLETE: Yes

UNDERGRAD: DEGREE: YEAR:

LAW SCHOOL: YEAR:

ENLISTED ONLY

DO YOU PLAN TO REENLIST: No ARE YOU ENROLLED IN COLLEGE: No

ASPIRATIONS:

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

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**

Read the following materials:

Marine Corps Legal Services – Strategic Action Plan

Complete the following tasks:

Send the CDC an introductory email with a brief bio and Encl (1).
Conduct an in-call with your LSSS or LSST OIC and discuss the role of the LSSS or LSST OIC (if new to the LSSS or LSST).
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.
Meet with your local DSO NCO for a class on and access to CIS.
Conduct an in-call or teleconference with the RDC Chief and discuss the role that 4421s in the DSO play in support of DCs.
Request access to the DSO SharePoint by visiting https://ehqmcsupport.usmc.mil/sites/mcwar/default.aspx , select your email certificate, click "REQUEST eHQMC PORTAL /MCATS ACCOUNT", and then send a digitally signed email to HQMC IT Support Helpdesk at (HQMCITAS.FCT@usmc.mil).
Call DCAP at (703) 604-0574 to introduce yourself and to be added to SharePoint.
Create email alerts for announcements, discussions, and acquittal alerts, and respond to the "Who's Using SharePoint" discussion thread.
Set up your voicemail identifying yourself as a Defense Counsel.
Create a Defense Connect Online account.
Confirm your Lexis account.
Pick a recent discussion topic on SharePoint, research the question asked and post a written response.
Obtain access to the local Circuit's weekly docket.
Ensure you have access to your local Defense Section shared drive.
Obtain an electronic version of your branch's DSO letterhead.
Create your email signature block identifying yourself as a member of the DSO.
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.
Gain access to the Navy DSO motions bank.

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

_____**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 5803.1D (Rules of Professional Responsibility).
Chapter 4 of the LSAM.
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 Appellate Court Opinion and Digest websites: The Navy and Marine Corps Court of Criminal Appeals (NMCCA), found at: http://www.jag.navy.mil/courts/opinion_archive.htm; The Court of Appeals for the Armed Forces, (CAAF) found at: http://www.armfor.uscourts.gov/newcaaf/home.htm.
Familiarize yourself with the following military justice blogs: CAAFLOG, found at: www.caaflog.com; 31Blog, found at: http://article31blog.wordpress.com/; Court Martial Trial Practice, found at: http://www.court-martial-ucmj.com/; SCOTUSBlog, found at: http://www.scotusblog.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.

_____**Discovery & Witnesses**

Read the following materials:

Rules for Courts-Martial 701, 702, and 703.
Find motions to compel discovery, motion to compel witness production, motion for expert assistance and expert witness testimony on SharePoint.
United States v. Coleman, 72 M.J. 184 (C.A.A.F. 2013).
United States v. Behenna, 71 M.J. 228 (C.A.A.F. 2010).

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.
Draft a discovery request, and a discovery motion (compel, production, etc.) in a case to which you are detailed as second chair counsel.

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

_____**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 discovery, with a DC.
Discuss application of MRE 412 and 513 at an Article 32 with your SDC.
Sit as second chair in an Article 32 pretrial investigation.

_____**Article 39a Sessions**

Read the following materials:

Rules for Courts-Martial 904.
United States v. Danylo, 73 M.J. 183 (C.A.A.F. 2013).
United States v. Wilson, 72 M.J. 347 (C.A.A.F. 2012).
United States v. Arriaga, 70 M.J. 51 (C.A.A.F. 2010).
Rules for Court-Martial 905.
United States v. Olano, 507 U.S. 725 (1993).
United States v. King, 58 M.J. 110 (C.A.A.F. 2003).
United States v. Treat, 73 M.J. 331 (C.A.A.F. 2014) .

Complete the following tasks:

Discuss arraignment versus a motion for docketing with your SDC.
Sit second chair in a motion session– read all relevant pleadings prior.
Discuss the effect of arraignment on the speedy trial clock with your SDC.
Discuss the types, forms, and purpose of motions practice with your SDC.

_____**Guilty Pleas, Pretrial Agreements, and Sentencing**

Read the following materials:

Trial Guide (most recent version) (particularly the guilty plea inquiry).
DCAP Guilty Plea Checklist.
Model PTA.
Collateral Consequence Advice Forms. Rules for Courts-Martial 1001-1003.
United States v. Hines, 73 M.J. 119 (C.A.A.F. 2013).
United States v. Castellano, 72 M.J. 217 (C.A.A.F. 2012).
United States v. Rose, 71 M.J. 138 (C.A.A.F. 2011).

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

Complete the following tasks:

Observe a guilty plea and a sentencing hearing.
Discuss how to prepare a client for providence and the pros and cons generically between contesting a case and accepting a PTA with your SDC.
Sit second chair in a guilty plea.

_____**Contested Trials**

Read the following materials:

Rules for Courts-Martial 901-924.
The Lessons Learned from the last 10 Acquittal Alerts on SharePoint.
United States v. MacDonald, 73 M.J. 426 (C.A.A.F. 2013).
United States v. Lubich, 72 M.J. 170 (C.A.A.F. 2012).
United States v. Brewer, 61 M.J. 425 (C.A.A.F. 2005).

Complete the following tasks:

Observe a complete contested trial from *voir dire* to conclusion.
Second chair an entire contested trial.

_____**The Role of the Military Judge**

Read the following materials:

Your local Circuit Rules.
United States v. Salyer, 72 M.J. 415 (C.A.A.F. 2012).
United States v. Phillips, 70 M.J. 161 (C.A.A.F. 2010).
United States v. Wiechmann, 67 M.J. 456 (C.A.A.F. 2008).

Complete the following tasks:

In-brief with your local Circuit Military Judge.
Discuss the role of the Military Judge and circuit rules with your SDC.
Discuss "standing courts" vs. military courts and the role of the CA/SJA with your SDC.

_____**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.
United States v. Nerad, 69 M.J. 138 (C.A.A.F. 2009).
United States v. Travis, 66 M.J. 301 (C.A.A.F. 2008).

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.
Prepare a clemency package under the supervision of another DSO attorney.

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

_____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 12-14.
Rules for Courts-Martial 1301-1306.
Appendix 9 of the Manual for Courts-Martial (SCM script). Article 64, UCMJ.
Lower Forum PTA templates.
United States v. Mead, 72 M.J. 479 (C.A.A.F. 2013)
United States v. Cary, 62 M.J. 277 (C.A.A.F. 2006).

Complete the following tasks:

Watch the NJP counseling video.
Observe NJP counseling at your LSSS or LSST.
Conduct an NJP counselling under the supervision of another DSO attorney.
Attend the next scheduled summary court-martial officer training class.
Draft a lower forum PTA for another DSO attorney.

_____Administrative Separations

Read the following materials:

Chapters 1 and 6, MARCORSEPMAN.

Complete the following tasks:

Discuss the ad board process with your LSST's Legal Administration Officer.
Observe an administrative separation board.
Discuss best practices in Ad Board litigation with your SDC.
Sit as second chair on an Administrative Separation Board.
Prepare a letter of deficiency for a separation where you either sat as second chair, or for an Administrative Separation Package you have reviewed under the supervision of another DSO attorney.

_____Article 31(b) Rights

Read the following materials:

Article 31(b), UCMJ.
Military Rules of Evidence 304 and 305.
United States v. Hutchins, 72 M.J. 294 (C.A.A.F. 2013).
United States v. Clark, 69 M.J. 438 (C.A.A.F. 2010).
United States v. Seay, 60 MJ 73 (C.A.A.F. 2004).
United States v. Mapes, 59 MJ 60 (C.A.A.F. 2003).

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401)
Orientation Checklist (October, 2014)

Complete the following tasks:

Find two motions to suppress due to inadequate rights advisement in the Motions Bank on SharePoint. Read the motions and discuss with your SDC.

Observe an Article 31(b) rights counseling session.

Discuss the pros/cons of a suspect making a statement with your SDC.

_____**Initial Reviewing Officer Hearings and Confinement Facilities**

Read the following materials:

Rule for Courts-Martial 305.

The local order addressing IRO hearings

Any MOU with local confinement facilities.

United States v. Mack, 65 M.J. 108 (C.A.A.F. 2007).

United States v. Regan, 62 M.J. 299 (C.A.A.F. 2006).

United States v. Crawford, 62 M.J. 411 (C.A.A.F. 2006).

Complete the following tasks:

Observe an initial reviewing officer hearing.

Discuss the pros and cons of waiving an IRO hearing with a DC.

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.

When you have completed all items on this checklist, give the original to your SDC, who will arrange a meeting with the RDC.

I, _____, Senior Defense Counsel, that the following named person, _____, has successfully completed the New Defense Clerk Orientation Checklist in accordance with CDC Policy memo 4-14.

_____ _____

Senior Defense Counsel Attorney

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: _____ Brank 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

- □ Visit https://ehqmcsupport.usmc.mil/sites/mcwar/default.aspx, select your email certificate, click "REQUEST eHQMC PORTAL / MCATS ACCOUNT", and then send a digitally signed email to HQMC IT Support Helpdesk (HQMCITAS.FCT@usmc.mil).
- □ Contact the DSO Chief at (703) 604-0728 to introduce yourself and ask to be added to 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.

____**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.

____**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 5803.1D. 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.

Marine Corps Defense Services Organization

New Defense Legal Services Specialist (4421) Checklist

____**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

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

I, _____, Senior Defense Counsel, that the following named person, _____, has successfully completed the New Defense Clerk Orientation Checklist in accordance with CDC Policy memo 4-14.

_____ _____

Senior Defense Counsel Defense Clerk