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In Reply Refer To:
3000
CDC
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CDC POLICY MEMORANDUM 5-13

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

Subj: MARINE CORPS DEFENSE SERVICES ORGANIZATION'S INSPECTION PROGRAM

Ref: (a) Marine Corps Legal Services Strategic Action Plan
2010 to 2015
(b) MCBul 5400 of 31 Aug 12
(c) MCBul 5800 of 11 Mar 13
(d) MCO P5800.16A W/CH 1-6 (LEGADMINMAN)
(e) Article 6, UCMJ
(f) JAGINST 5803.1D

Encl: (1) Defense Services Organization Inspection Checklist
for Individual Defense Branch Offices

1. Purpose. To establish an inspection program for the Marine Corps Defense Services Organization (DSO) to continue to implement the Marine Corps Legal Services Strategic Action Plan issued by the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC) in reference (a) and to ensure the continued operation of the DSO as a functionally-independent organization in light of the Commandant-directed legal reorganization approved in reference (b) and implemented by reference (c).

2. Discussion.

a. Reference (d) identifies the Chief Defense Counsel of the Marine Corps (CDC) as the Officer-in-Charge of the DSO. In this role, the CDC exercises general supervision over the professional development of Marine Corps judge advocates and support personnel engaged in performing defense functions. To help meet the CDC meet this requirement, reference (d) specifically tasks the CDC with both establishing standard operating procedures for the delivery of defense counsel services throughout the Marine Corps and assessing the practice, procedure, and techniques of defense counsel and support

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personnel in the performance of defense functions and the facilities in which those functions are performed.

b. Reference (a) challenged the Marine Corps legal community to elevate the practice of law by setting standards, training to standards, and inspecting to standards. Within the DSO, we have formalized and set standards through CDC Policy Memoranda and are constantly training to those standards. The policy set forth below allows the DSO to inspect to ensure compliance with the standards set by the CDC and others. Additionally, a formal DSO-run inspection program allows the CDC to assist the SJA to CMC in making "frequent inspection in the field in supervision of the administration of military justice," as required by references (e), that comply with Rules 1.3, 1.6, and 5.1 of reference (f).

3. Policy.

a. Inspectors will utilize the enclosure to inspect DSO branch offices. The inspectors will be members of the DSO and will be selected from a different region than the branch office being inspected. During the course of this inspection, the inspectors will not review any case file from conflict cases.

b. At the conclusion of the inspection, the inspector will prepare an after action report for the CDC's signature that reports the result of the inspection to both the Officer-in-Charge of the Legal Service Support Team and to the SJA to CMC. The after action report will not contain any privileged information.

c. Each DSO branch office and detachment will be inspected annually.

4. Conclusion. This CDC Policy Memo is effective immediately.


J. G. BAKER

Distribution List:

SJA to CMC
Legal Chief of the Marine Corps
All Marine Corps SJAs
LSSS OICs
LSST OICs
All members of the DSO

**DEFENSE SERVICES ORGANIZATION
INSPECTION CHECKLIST FOR
INDIVIDUAL DEFENSE BRANCH OFFICES**

Personnel:

- Have all defense counsel been appointed in writing IAW LEGADMINMAN?
- Is the SDC designated in writing by the RDC using the standard letter IAW LEGADMINMAN?
- Does the branch office have the required personnel per the T/O and staffing goal for the LSST?
- How is the SDC tracking fitness reports?
- How is the SDC keeping track of counsel's leave schedule to ensure no conflicts with docket or training?
- Are counsel being notified via the standard letter when they are no longer being detailed to cases IAW LEGADMINMAN? Is this letter being provided to the LSSS OIC and CDC?

Comments:

Detailing and IMC Requests:

- Are individual cases detailed IAW CDC PM 1-13, to include timeliness, standard detailing letter and appropriately-experienced counsel for the case?
- Are new counsel completing the New DC Orientation Checklist IAW CDC PM 3-13 prior to being detailed cases?
- Are IMC requests prepared and routed IAW CDC PM 1-13 for the counsel in the office?
- Is the standardized notice of representation sent to the TC within 7 days of being detailed IAW CDC PM 1-13?
- Is the RDC consulted prior to detailing counsel to complex cases IAW CDC PM 1-13?
- Does the SDC/Chief get brig/confinement reports IAW CDC PM 1-13?
- Are counsel released from a case when there is good cause to sever the attorney-client relationship IAW CDC PM 2-12?
- How are conflicts identified and resolved?

Comments:

Case Information System/SharePoint/Share Drive:

- Is CIS being updated as required, IAW CDC PM 4-13?
- Does every DC and 4421 in the office have SharePoint access IAW CDC PM 2-13?
 - Is all information for each person accurate? Spot check.
 - Do they have the proper alerts set up? Spot check.
 - Are personnel being removed from SharePoint upon departure from the DSO? Spot check.
- Are the following documents maintained and up-to-date?
 - 4421/4401 Statement of Understandings IAW CDC PM 1-11/1-12? Spot check.
 - Assignment to DSO letters? Spot check.
- Where do you store/access local forms? View them.
- Who has access to your local share drive? How is access managed?

Comments:

NJP/31b/AdSep Rights Counseling:

- Is NJP/31b/AdSep Rights counseling conducted IAW CDC PM 2-13?
 - Information on Walk-In Counseling handout used?
 - CDC Mandated Video?
- Are walk-ins advised that their communications with defense counsel are privileged IAW CDC PM 2-13? How is this being communicated to the walk-in?
- Are walk-ins advised that no attorney-client relationship is established during NJP counseling IAW CDC PM 2-13? How is this being communicated to the walk-in?
- Is the SDC ensuring that their counsel are not forming attorney-client relationships IAW CDC PM 2-13? How is this being communicated to the walk-in?
- Are all walk-in counselings being accounted for, with at least the following information kept IAW CDC PM 2-13?
 - Unit & Major Command

- Reason for visit
- Rank
- Attorney Seen

Comments:

Office Management:

- How is the SDC keeping track of deadlines for subordinate counsel's dockets within the office, IAW LEGADMINMAN?
- Do counsel know what the judicial circuit rules are and are they following them? Spot check rules with SDC and counsel.
- Is the SDC supervising the counsel throughout the litigation process, IAW LEGADMINMAN? (observing, providing feedback, etc.) [Ask both SDC and counsel]
- Is the RDC supervising the counsel throughout the litigation process, IAW LEGADMINMAN?

Comments:

Training Program:

- Have all DSO members completed the "New DC Checklist" or New "4421 Checklist" IAW CDC PM 3-13? Is SDC maintaining copies of the completed checklists?
- Are all personnel enrolled in appropriate-level PME?
- Does the LSST have a procedure in place for requesting funding for training, IAW LEGADMINAN?
- Is the SDC maintaining a calendar of upcoming training events as outlined in the CDC's annual training policy memo
- Has each counsel been afforded the opportunity to attend at least two CLEs for the last calendar year as outlined in the CDC's annual training policy memo?
- Is SDC conducting the mandatory training as outlined in the CDC's annual training policy memo?
- Inspect the SDC's training program to train subordinate counsel, utilizing the CDC's annual training policy memo.

Comments:

External Interaction:

- When did the SDC have in-calls with Convening Authorities and/or Staff Judge Advocates at the installation IAW LEGADMINMAN?
- Has the SDC made an in-call with the Supervisory Special Agent at the NCIS office at their installation IAW LEGADMINMAN?
- Is the SDC getting regular feedback from Military Judges IAW LEGADMINMAN?
- Tour the local confinement facility with the SDC.
- Is the office collaborating on cases both locally and globally?
- Does everyone in the office have DCO accounts?
- Does the office have webcams to utilize DCO?
- Is anyone in the office using DCO to conduct training/murder boards/conference calls? If not, why?

Comments:

Utilization of 4421s:

- Are the 4421s being used to support the entire office or just the SDC?
- What continuing legal education courses have the 4421s attended since the last inspection?
- Do the 4421s have accounts with LexisNexis and Westlaw?
- Do the 4421s know how to conduct legal research?
- Do the 4421s have access to 3270?
- Do the 4421s know how to draft a motion/position paper/IRAC?
- Do the 4421s know how to cite case law using The Bluebook?
- Have the 4421s sat down with each DC and learned their expectations/duties within the DSO?
- Do the 4421s understand NJP procedure, AdSep procedure, SPCM procedure, and Art 32/GCM procedure?
- Do the 4421s understand that they cannot give legal advice to anyone?

- Are there ways to increase productivity or effective use of the 4421s?

Comments:

Case File Management: [CDC PM 4-13]

- Are case files kept securely?
- Does each case file have at least the following:
 - Standard Detailing letter
 - Notification of representation letter
 - Charge Sheet/Notification Letter
 - Client Interview Checklist
 - Coping with Stress Letter [CDC PM 5-12]
 - Potential witness list with contact information
 - Discovery Request(s)
 - Termination of representation letter (at end of every case)
- Do counsel take case files with them once they depart your defense branch office?
- Is the office following CDC-directed procedures for archiving, maintaining, and destroying case files?

Comments:

Office, Equipment, and Supplies:

- Does the office have all the equipment/software needed to accomplish the mission?
 - TV and DVD player
 - Printers, copiers, scanners that are color-capable?
 - Laptops for each defense counsel with the following software:
 - o With Adobe Acrobat Professional?
 - o MS Office Professional?
 - o For The Record Player?
 - At least one webcam per office?
 - At least one air-card per office?

- At least one digital video/still camera?
- At least one evidence ruler for photographing to scale?
- Digital audio recording device(s)
- Is the attorney maintaining the required publication library IAW CDC PM 3-13?
- Does the branch office have all the supplies needed to accomplish the mission?
- Is it clear that the DSO branch office is a separate and distinct space from the LSST? [CDC PM 4-13]
- Are all required DSO documents and photos properly displayed?
 - CoC photos [CDC PM 4-13]
 - Creed & Motto [CDC PM 4-13]
 - Ltr from Gen Mattis [Discussion Post by CDC on 28 Mar 2012]
 - Mental Health Contact Information [CDC PM 5-12]
 - D-Stress Poster [CDC PM 5-12]

Comments:

Individual DC Inspection:

- How are you staying organized?
 - Deadlines?
 - Email?
 - Witness Interview/Appointments?
- Does your office look professional?
- How are you staying up-to-date on the law?
- Do you have at least one comfortable chair for the client/witness to sit in?

Comments:

Safety:

- Are there any potential fire hazards that exist?
- Are there any items/equipment in the office that could be a potential hazard?
- Are emergency/fire exit plans in place?

- How is the overall safety of the work place?
- Are holiday/weekend safety briefs being conducted?
- Are subordinate defense counsel and 4421s able to contact the SDC on weekends if necessary?

Comments:

Privacy, Security, and Confidentiality:

- Are all PII materials being handled, accounted for, and secured appropriately, IAW MCO 1553.3B?
 - Do you have PII where clients and walk-ins can see it, e.g. PII on whiteboards?
- Are confidential files secured/protected, IAW JAGINST 5803.1C?
 - Can each individual attorney's office be secured?
 - Is there accountability over all office keys?
 - Who has the master keys to all the defense offices?
 - Does the office have securable filing cabinets and desk drawers? Are they being utilized?
 - Is there any potential compromise of any confidential materials in your branch office?

Comments:

How can we make your job easier?

SDC's response: _____

Chief's response: _____
