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IN REPLY REFER TO

5813

CDC

14 Oct 22

CDC Policy Memo 4.1C

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

Ref: (a) Report on the Status of Sexual Assault Accountability
Investigation Task Force (SAITF) Recommendations,
September 30, 2019

Subj: DEFENSE SERVICES ORGANIZATION TRAINING PROGRAM

1. Purpose. To formalize a standard Defense Services Organization (DSO) defense counsel and defense enlisted support personnel (defense services specialists) training program, while simultaneously providing defense leaders the authority and control to implement the training that will most benefit their respective offices and regions.

2. Discussion. The DSO standard training program addresses the fundamentals of being a member of the DSO. Training is designed to take basically trained lawyers and legal services specialists and make them competent military defense counsel and defense services specialists. Regarding defense counsel, the program is designed with a building block structure, whereby the training moves from the most basic to more complex. Ideally, the program will be followed in order; however, due to training course scheduling and the inherent unpredictability of when we receive new counsel, this is not always possible. Regarding defense services specialists, the program is designed to utilize our highly talented enlisted personnel to their fullest potential to both better support defense counsel and to enhance the careers of our enlisted Marines both in and outside the Marine Corps.

3. Policy

a. The following standard defense counsel training program should be followed by all DSO defense counsel:

(1) Defense Military Justice Orientation Course (MJOC). Defense MJOC meets the requirements of reference (a) and has replaced the Defense Counsel Orientation (DCO) course. Defense MJOC is a basic training course offered three times a year

Subj: DEFENSE SERVICES ORGANIZATION TRAINING PROGRAM

(typically April, July, and November) at Naval Justice School, Naval Station Newport, Rhode Island. The training curriculum is designed to address the most basic matters defense counsel will encounter during their tours and expose them to basics of defending an accused charged with a special victim crime. Prior to being detailed as a lead defense counsel on a special victim case, the defense counsel *must* attend this course unless: (1) the defense counsel is Special Victims Investigation and Prosecution (SVIP) qualified; or (2) the defense counsel has both attended the Defending Sexual Assault Cases (DSAC) course and been granted a waiver by the respective Regional Defense Counsel (RDC). Such a waiver is available only if the counsel attended a sister service DCO-equivalent course or has been assigned the "litigator" AMOS. In any case where a waiver is required, the counsel must attend DSAC before being detailed as the lead on a special victim case.

(2) DSO Worldwide Community Training (WCT). The DSO WCT is a one-week training course that takes place once a year (typically February). It focuses on a wide range of topics that defense counsel encounter during their tour. Defense services specialists also receive training that focuses on enhancing the skills required to support their defense counsel. All DSO personnel are required to attend this annual training.

(3) Defending Sexual Assault Cases (DSAC). DSAC is a one-week military specific course developed by the Defense Counsel Assistance Program and DSO Attorney Advisors in conjunction with NJS and is offered once a year (typically August). It focuses on sexual assault litigation skills and involves significant practical application. All defense counsel are required to attend DSAC at least once during their tour.

(4) Sister Service Training. Sister service training are specific courses selected by DSO leadership offered by other DoD organizations. Defense Counsel are encouraged to attend these courses:

(a) Intermediate Trial Advocacy (USA),
Charlottesville, VA. Normally held in October.

(b) Defense Orientation Course (USAF), Montgomery AL.
Normally held in December and September.

(c) Trial & Defense Advocacy Course USAF, Montgomery AL.
Normally held in February.

Subj: DEFENSE SERVICES ORGANIZATION TRAINING PROGRAM

(d) Advanced Sexual Assault Litigation Course (USAF),
Montgomery AL. Normally held in May.

(e) Advanced Trial Advocacy Course (USAF), Montgomery AL.
Normally held in June.

(f) Trial & Defense Advocacy Course (USAF), Montgomery AL.
Normally September.

(g) Defense 101, 102, 103 (USA), various locations and
dates.

(h) Complex and capital litigation (USA), Fort
Belvoir, VA. Annually.

(5) Core Outside Training. Core outside training is specific courses selected by DSO leadership offered by civilian or non-DoD governmental organizations. These courses focus on "graduate" level trial advocacy skills and are taught by attorneys with significant litigation experience. All defense counsel are expected to attend at least one of the following courses during their tour:

(a) National Criminal Defense College, Bristol, RI

(b) Bronx Defenders Academy, Long Island City, NY.

(c) Trial Lawyers College, Montgomery, AL.

(d) Alternate Defense Counsel's (ADC) Trial Advocacy Program, Denver, CO.

b. The following is guidance regarding the training of defense services specialists:

(1) All Regional Defense Chiefs and Branch Office NCOICs are expected to attend the following courses:

(a) Legal Ethics for Paralegals, NJS, Newport, RI;

(b) Paralegal Research and Writing, NJS, Newport, RI; and

(c) Paralegal Litigation Support Course, NJS, Newport, RI.

Subj: DEFENSE SERVICES ORGANIZATION TRAINING PROGRAM

(2) All defense services specialists are encouraged to attend these courses as deemed appropriate by their respective DSO leadership.

c. RDC and Senior Defense Counsel (SDC) Training:

(1) RDC training is required once per quarter. SDC training is required once per month. While there is no Chief Defense Counsel (CDC) mandated curriculum for RDC and SDC training, there are certain topics that should form the core of training for every defense counsel during their tenure in the DSO.

(2) Defense services specialists shall be included in all RDC and SDC trainings and some topics should be focused specifically on their mission. Additionally, ethics training for both defense counsel and defense services specialists shall occur at least twice a year.

(3) Attorney Advisors will work in conjunction with RDCs, SDCs, and Reserve Training Officers (RTO) to develop their respective training programs according to the needs of their individual offices and regions. Defense Counsel Assistance Program (DCAP) is available to provide training resources as necessary, including: suggested training programs, materials, and instructors. RDCs and SDCs are strongly urged to consult DCAP, Attorney Advisors, and RTOs to create long-range training plans to make the most effective use of regional training resources and best practices in training defense counsel.

4. Conclusion. CDC Policy Memo 4.1B is canceled. This CDC Policy Memo is effective immediately.



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