



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
11 Jun 19

CDC Policy Memorandum 2.1B

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

Subj: NEW DSO MEMBER ORIENTATION

Encl: (1) Biographical Data Sheet
(2) Defense Counsel Orientation Checklist
(3) Defense Services Specialist Checklist

1. Purpose. To update the Defense Counsel Orientation Checklist and the 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.
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 Services Specialist 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 business days of being assigned to the DSO. Newly assigned defense counsel and student judge advocate will complete enclosure (2) within twenty-one days of being assigned to the DSO. Newly assigned legal services specialist will complete enclosure (3) within twenty-one days of being assigned to the DSO.¹
 - 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.

¹ Due to factors such as trial scheduling, meeting the established timelines may not be possible. In such circumstances, the tasks will be accomplished as soon as possible.

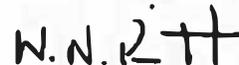
Subj: NEW DSO MEMBER ORIENTATION CHECKLIST

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. Biographical Data Sheets should be forwarded to the DSO Chief for uploading to the DSO SharePoint.

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 2.1A is hereby cancelled. This CDC Policy Memorandum is effective immediately.


W. N. PIGOTT

Distribution List:

SJA to CMC

Legal Chief of the Marine Corps

All members of the DSO

DSO PERSONNEL BIOGRAPHY

TODAY'S DATE:

PERSONAL

FULL NAME:

RANK:

DOR:

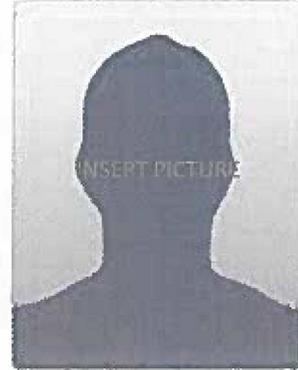
AFADBD:

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

PF

CFT:

RIFLE QUALIFICATION:

PISTOL QUALIFICATION:

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

EDUCATION

PME COMPLETE:

UNDERGRAD:

DEGREE:

YEAR:

LAW SCHOOL:

YEAR:

ENLISTED ONLY

DO YOU PLAN TO REENLIST:

ARE YOU ENROLLED IN COLLEGE:

ASPIRATIONS:

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401) Orientation Checklist

Instructions: Print this checklist and mark the blocks as you complete each item. You may complete in any order. Your Senior Defense Counsel (SDC) or mentor will initial on the line for each topic, confirming completion.

Administration

Complete the following tasks:

- Send the CDC (via the OIC DCAP) an introductory email with Encl (1).
- Meet with your Branch Office NCOIC to obtain access to SharePoint and CIS, your shared drive, your local weekly docket, and your branch office letterhead.
- Set up your voicemail and email signature block identifying yourself as a Defense Counsel.
- Confirm your LexisNexis account.
- Visit the Welcome Aboard: New Counsel page on SharePoint.

Duties of a Defense Counsel

Read the following materials:

- DSO Mission Statement and Creed.
- Article 38, UCMJ.
- Rules for Courts-Martial 502 and 506 (particularly the discussions).
- JAGINST 5803.1E (Rules of Professional Responsibility).
- Volume 3 of the LSAM.
- All CDC Policy Memoranda.
- Suicide Prevention and the Marine Corps DSO (Marine Corps Gazette, Sept 2018)

Complete the following tasks:

- Visit the NMCCA's website: www.jag.navy.mil/courts/opinion_archive.htm
- Visit CAAF's digest: www.armfor.uscourts.gov/opinions_digest.htm
- Visit CAAFlog (www.caaflog.com) and SCOTUSBlog (www.scotusblog.com)
- Visit the DCAP Standard Forms page on SharePoint. Review the forms.
- Discuss the duties of a DC with your SDC.

Discovery & Witnesses

Read the following materials:

- Rules for Courts-Martial 701–703.

Complete the following tasks:

- Obtain the approved templates for discovery, witness, and expert requests.
- Discuss reciprocal discovery, the standards for witness production in merits and 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.

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401) Orientation Checklist

Article 32 Pretrial Hearings

Read the following materials:

- Article 32, UCMJ.
- Rules for Courts-Martial 404A and 405.

Complete the following tasks:

- 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 second chair in an Article 32 hearing.

Article 39(a) Sessions

Read the following materials:

- Rules for Courts-Martial 904–907

Complete the following tasks:

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

Guilty Pleas, Pretrial Agreements, and Sentencing

Read the following materials:

- Trial Guide.
- Model Plea Agreement.
- Rules for Courts-Martial 1001–1003.

Complete the following tasks:

- Discuss with your SDC how to prepare a client for a plea inquiry and the general reasons why an accused might plead guilty rather than demand trial.
- Sit second chair in a guilty plea.

Contested Trials

Read the following materials:

- Rules for Courts-Martial 901–924.

Complete the following tasks:

- Observe a complete contested trial from voir dire to conclusion.
- Sit second chair for a contested trial (if scheduling prevents a new DC from observing a trial prior to sitting second chair, the observation of a trial requirement is waivable by the respective SDC).

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401) Orientation Checklist

The Role of the Military Judge

Read the following materials:

- Your local Circuit Rules.
- Rules for Courts-Martial 109, 502(c), 801, and 902.

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.

Clemency and the Post-Trial Process

Read the following materials:

- Rules for Courts-Martial 1101–1210.
- Post-trial and Appellate Rights Statement.

Complete the following tasks:

- Discuss the post-trial process with your SDC.
- Prepare post-trial matters under the supervision of another DSO attorney.

Non-Judicial Punishment & Summary Courts-Martial (the “lower forums”)

Read the following materials:

- Rules for Courts-Martial 1301-1307.
- Part V, Manual for Courts-Martial.
- Appendix 9 of the Manual for Courts-Martial (SCM script).
- JAGMAN, Chapter 1, Part B (§§ 0106-0119).

Complete the following tasks:

- Observe NJP counseling at your LSSS or LSST (including the 2019 Counseling Video).
- Conduct NJP counseling under the supervision of another DSO attorney.

Administrative Separations and Boards of Inquiry

Read the following materials:

- SECNAVINST 1920.6.
- Chapters 1 and 6, MARCORSEPMAN.

Complete the following tasks:

- Discuss the administrative separation process with your SDC.
- Sit second chair on an adsep board or BOI.
- Prepare a letter of deficiency under the supervision of another DSO attorney.

Marine Corps Defense Services Organization

Defense Counsel (4402) and Student Defense Counsel (4401) Orientation Checklist

Article 31(b) Rights

Read the following materials:

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

Complete the following tasks:

- Observe an Article 31(b) rights counseling session.
- Discuss suppression motions and waiver 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 and any local MOU with civilian facilities.

Complete the following tasks:

- Observe an initial reviewing officer hearing.
- Discuss local pretrial confinement issues and policies with a DC.

Certification:

This checklist was successfully completed in accordance with CDC Policy Memo 2.1B.

Defense Counsel
Date: _____

Senior Defense Counsel
Date: _____

Regional Defense Counsel
Date: _____

Marine Corps Defense Services Organization

Defense Services Specialist (4421) Orientation Checklist

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 14 days. Your Branch Office NCOIC, Regional Defense Chief, or mentor will initial on the line for each topic, confirming your completion.

General Overview of the Marine Corps Defense Services Organization

Discuss with the Senior Defense Counsel the following:

- DSO Mission & Creed
- Professionalism Always
- DSO Chain of Command vs. Administrative Chain
- Your Role as a DSO 4421
- Never Give Legal Advice**

Walk-In Counseling

Read the following materials:

- Information on Walk-In Counseling handout
- Adsep/NJP/Court-Martial Flowchart

Complete the following tasks:

- Watch the 2019 Counseling Video.
- Observe a walk-in counseling session from start to finish.
- 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

Complete the following tasks:

- Observe an initial court-martial client intake counseling session from start to finish.
- Ask the DCs any questions you may have about the process, rights of the client, or your role in the court-martial process.

Initial Administrative Separation Client Intake

Complete the following tasks:

- Observe an initial administrative separation client intake counseling session from start to finish.
- Ask the DCs any questions you may have about the process, rights of the client, or your role in the administrative separation process.

Witness Interviews

Complete the following tasks:

- Observe a witness interview from start to finish, including the DC's preparation time beforehand.
- Ask the DCs any questions you may have about the process, rights, or your role.

Marine Corps Defense Services Organization

Defense Legal Services Specialist (4421) Orientation Checklist

Client At-Risk for Suicide

Read the following materials:

- CDC PM 2.4 (series)
- Suicide Prevention and the Marine Corps DSO (Marine Corps Gazette, Sept 2018)

Complete the following tasks:

- Discuss with one of the senior members of your branch the contents of CDC PM 2.4 (series) and the important role that you will play in helping at-risk clients.

SharePoint

Complete the following tasks:

- If you do not have a SharePoint account, request an account by visiting <https://ehqmcsupport.usmc.mil/sites/mcwar/default.aspx>, select your email certificate, click "REQUEST eHQMC PORTAL," and then send a digitally signed email to HQMC IT Support Helpdesk at (HQMCITAS.FCT@usmc.mil).
- Provide your Branch Office NCOIC or Regional Defense Chief with your Bio Data Sheet for uploading to the DSO SharePoint.
- Request from your Branch Office NCOIC or Regional Defense Chief to be added to the Regional Personnel Tracker on SharePoint.
- Once you have a SharePoint account, your Bio Data Sheet has been added to SharePoint, and you've been added to the Regional Personnel Tracker, contact your Branch Office NCOIC or Regional Defense Chief and request access to the DSO SharePoint site.
- Bookmark the DSO SharePoint website: <https://ehqmc.usmc.mil/sites/cdc/default.aspx>
- Go to the DSO Litigation Data Entry site and familiarize yourself with it.

Case Information System

Complete the following tasks:

- Familiarize yourself with how to add and update cases to CIS.
- Learn how to generate reports common for your office.

3270 Access

Complete the following tasks:

- Ensure you have a logon ID and password that works for 3270.
- Know the commands to get to the screens with our clients' BIR/BTR/ROS/Awards/Page 11 information on them.

Lexis Nexis Access

Complete the following tasks:

- Ensure you have a logon ID and password that works.
- 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.

Marine Corps Defense Services Organization

Defense Legal Services Specialist (4421) Orientation Checklist

- Know how to use Lexis to find individuals.

Case File Management

Complete the following tasks:

- 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 the following materials:

- Read all CDC Policy Memoranda, located on the DSO's Official Marine Corps Website: <https://www.hqmc.marines.mil/DSO>.

Client Confidentiality

Read the following materials:

- Rules 1.6 and 5.3 of JAGINST 5803.1.

Complete the following tasks:

- 4421 Statement of Understanding per CDC PM 2.2 (series).

Communication

Complete the following tasks:

- 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

Complete the following tasks:

- Ensure familiarity with printers, scanners, and networked storage solutions.
- Know where and how to get resupplies when needed.

Email/GAL

Complete the following tasks:

- Create a signature block identifying yourself as a member of the DSO.
- Update your information in the GAL.

Read Gen Mattis' letter to the DSO

In-Brief

Complete the following tasks:

- Conduct an in-brief with the Regional Defense Chief.
- Call the DSO Chief at (703) 604-0728 to introduce yourself.

Marine Corps Defense Services Organization

Defense Legal Services Specialist (4421) Orientation Checklist

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

I, _____, the Senior Defense Counsel, verified that the following named person, _____, has successfully completed the Defense Clerk Orientation Checklist in accordance with CDC Policy Memo 2.1A.

Senior Defense Counsel

Legal Services Specialist