

CDC POLICY MEMORANDUM 1.5C

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

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

Ref: (a) SECNAVINST 1650.1H
(b) MCO 1650.19J Ch 1
(c) MCO 5800.16 V17 (LSAM)
(d) SJA to CMC Annual Awards Announcement

1. Purpose. To adjust the Marine Corps Defense Services Organization (DSO) awards program to accommodate the Staff Judge Advocate to the Commandant (SJA to CMC) newly established awards program. SJA to CMC's program elevates the recognition of those members of the DSO who have had the greatest positive impact on the mission of "Marines Defending Marines" from a DSO initiative to general officer-level recognition. It recognizes the service within the DSO as career enhancing and personally and professionally important.

2. Discussion. There are few more challenging tasks than those required of "Marines Defending Marines." Long hours and difficult work are systemic for both attorneys and legal service specialists alike within the DSO. Each of you demonstrate your capacity for courage, tenacity, and professionalism every day. Similarly, our clients benefit from having you stand by their side and work on their behalf behind the scenes, zealously and without regard to your own careers. Such work deserves appropriate recognition. Coupled with non-DSO specific awards like impact and end of tour meritorious service awards, American Bar Association awards, and other non-federal entity (NFE) awards, Marines have an opportunity to be recognized for their work specific while assigned to the defense organization. Recently, the SJA to CMC elevated some of the DSO-specific awards to the general officer level to increase the prestige of the awards both to distinguish the Marines before competitive Marine Corps boards and to shine a light on superior performance to the entire 44xx community. DSO awards are intended to supplement, not replace, commanders' awards for meritorious service.

3. Policy. The DSO is divided into four regions: National Capitol Region (NCR), East, West, and Pacific. We will recognize legal services specialists and attorneys throughout the DSO in an appropriate manner. I intend for the DSO to be a desirable, career-enhancing place for all legal service specialists and attorneys. One way to do this is through public recognition of exceptional performance of duty. In addition to the Department of the Navy awards and those of NFEs, reference (d) provides for the SJA to CMC to annually award a Defense Services Organization Marine of the Year (DMOY) and a Defense Counsel of the Year (DCOY). The DSO also awards an annual Academic Writing Award and a Motions Award.

4. Personal Awards. Service in the DSO is personally and professionally rewarding. DSO Marines perform a valuable service to the Marines and Sailors they represent as well as to the Marine Corps. To ensure proper recognition of the contributions made by DSO personnel, the following standardizes the personal award administrative procedures within the DSO.

a. End of Tour (EOT). An individual is recognized for sustained superior performance at the termination of the period during which that performance was demonstrated, such as at the end of an assigned tour of duty. Defense counsel executing PCS/PCA orders from the DSO shall be nominated for a personal award when appropriate.

b. Letter of Continuity. A letter of continuity shall be prepared when it is determined that an individual is deserving of recognition but is being reassigned within the LSST. The letter of continuity can be prepared in letter format or as a summary of action and forwarded under separate cover to the individual's new reporting senior. The information contained in the letter of continuity should then be used for an end of tour award recommendation. Likewise, when a Marine is reassigned from within the LSST to the DSO, the DSO reporting senior should obtain a letter of continuity at that time from the previous reporting senior.

c. Specific Achievement. A specific achievement (or impact) award may be authorized for exceptional performance over a period of short duration, which is generally no longer than twelve months. However, specific achievement awards may not support an EOT award; neither the Summary of Action nor the Citation issued for the period of meritorious service shall mention the specific achievement previously recognized. DSO impact awards shall be submitted for the SJA to CMC's selections of DMOY and DCOY in accordance with paragraph 7(b). Additionally, circumstances may arise in which a personal impact award may be appropriate—e.g., a defense counsel or clerk prevents an imminent suicide.

d. Administrative Routing. All awards for defense counsel will be routed to, or written by, the RDCs and then submitted to the appropriate LSSS OICs. RDCs are responsible for originating DMOY and DCOY impact awards, and Senior Defense Counsel (SDC) and reservists' personal awards. A courtesy copy of all awards forwarded to the LSSS OICs will be provided to the DSO Legal Chief. The Defense Counsel Assistance Program (DCAP) Officer in Charge (OIC) will originate the DSO Chief and any reservists assigned to the DCAP. The CDC will originate all RDC, DCAP OIC, CDC-Reserves, and civilian personal awards.

e. Blind Voting. To the extent practicable, to maintain the highest integrity of the process, nominations to the CDC and to the SJA to CMC shall have names of nominees and gendered pronouns redacted. If necessary, regional or other identifying information may also be redacted. Redacted submissions for the CDC and SJA to CMC awards will be provided to the DSO Chief with a separate cover sheet identifying the nominee who will be randomly label the submissions A, B, C, etc. The DSO Chief will solely maintain the master list.

5. DSO Marine of the Year/Defense Counsel of the Year. While the SJA to CMC has elevated the DSO-wide awards for DMOY and DCOY, each region shall continue to recognize a regional DMOY and DCOY. RDCs shall establish written policies and procedures within their regions for this annual award. These regional selections will compete for the SJA to CMC's Marine Corps-wide recognition in accordance with reference (d). The DSO has determined that recognition of our more junior officers and enlisted personnel for these awards encourages striving for excellence and not merely rewarding the most experienced among us. They are, therefore, grade and billet restricted. RDCs are encouraged to consider the "whole Marine concept" and to solicit input from a variety of sources, including but not limited to LSSS and LSST Officers-in-Charge, military justice personnel, military judges, Staff Judge Advocates, and assets within the regional DSO.

a. *DSO Marine of the Year (DMOY)*. Each Regional Defense Counsel shall establish a program to recognize the hard work and dedication of Legal Services Specialists in their region. At a minimum:

(1) Each DSO Region will recognize one Legal Services Specialist in the grade of E-5 and below as the Regional DMOY. RDCs shall establish policies and procedures for nomination and selection within their regions and will coordinate appropriate recognition with the OIC of the LSSS/LSST where the selected Marine is physically assigned.

(2) The four regions' DMOYs will compete for selection as SJA to CMC's DMOY. RDCs will use the enclosures and procedures within reference (d) to submit their regional awardee for consideration by the SJA to CMC's award board unless otherwise directed by Judge Advocate Division (JAD).

b. *Defense Counsel of the Year (DCOY)*. Each RDC shall establish a program to recognize the hard work and dedication of Judge Advocates in their region. At a minimum:

(1) Each DSO region will recognize one Judge Advocate in the grade of O-4 and below as the Regional DCOY. Senior Defense Counsel (SDCs) and RDCs are ineligible. RDCs shall establish policies and procedures for nomination and selection within their regions and will coordinate appropriate recognition with the OIC of the LSSS/LSST where the Judge Advocate selected is physically assigned.

(2) The four regions' DCOYs will compete for selection as SJA to CMC's DCOY. RDCs will use the enclosures and procedures within reference (d) to submit their regional awardee for consideration by the SJA to CMC's award board unless otherwise directed by JAD.

6. Writing Awards. Defending Marines requires far more than oral advocacy. An effective advocate is also an accomplished researcher and writer. The DSO Writing Awards recognize the best in academic writing and motions practice to encourage our personnel to hone their research skills, improve their writing capability, and enhance the professionalism of the military legal community. This competition also establishes an effective mechanism for ensuring the top 60+ motions of each calendar year become available to the entire DSO, thereby strengthening our collective ability to more effectively represent and defend our clients. There are two categories of recognition: DSO Academic Writing Award and DSO Motions Practice Award.

a. *DSO Academic Writing Award*. The DSO Academic Writing Award is an annual award intended to encourage DSO attorneys and legal service specialists to submit articles for publication in professional journals, including but not limited to law reviews and military professional journals. If there is no academic article published during the award period, there shall be no award for that period.

(1) Eligibility Criteria. Nominees must:

(a) Be in the grade O-4 or below;

(b) Be in a Defense Counsel or DSO Legal Service Specialist billet at the time the article is published;

(c) Not be a Regional Defense Counsel;

(d) Be published during the established annual award period of 1 December to 30 November;

(e) Be published in a recognized professional law review or journal—e.g., *The Army Lawyer* or *The Marine Corps Gazette*;

(f) The article shall be at least 1,500 words in length; and

(g) The subject of the article shall be of general interest to the legal or military community.

(2) Articles written as part of an academic program are eligible so long as the author is a member of the DSO at the time of publication.

(3) Nominations may be submitted via email by any member of the DSO through the nominee's operational DSO chain of command. Include appropriate citation to the source document in the nomination.

(4) Submissions are encouraged but not mandatory.

(5) Nominations are due to the Chief Defense Counsel (CDC) of the Marine Corps, via the DSO Chief, no later than 1 January. Prior to submission, ensure all PII is redacted and remove all references that might indicate who wrote the motion.

(6) The CDC, in consultation with the Reserve CDC and DCAP OIC, is the final arbiter of this award. Additional members of the defense bar may be consulted including the Attorney Advisors.

b. *DSO Motions Practice Award.* The DSO Motions Practice Award is an annual award intended to encourage a vigorous motions practice across the Marine Corps. It also facilitates healthy turnover of new and updated motions in our DSO Motions Database. Extraordinary Writs are specifically included as eligible for this award.

(1) Eligibility Criteria.

(a) The award period is 1 December to 30 November. The motion (or brief) must have been filed with the Navy and Marine Corps Trial Judiciary, the Navy and Marine Corps Court of Criminal Appeals, the Court of Appeals for the Armed Forces, IRO officer, Preliminary Hearing Officer, Magistrate, or administrative board during the established award period.

(b) Substantial substantive portions of the motion must have been drafted by the nominated author. Some duplication of minor administrative matters between motions is acceptable. If more than one person drafted the motion, the primary author will be the nominee. Disputes over primary counsel will be resolved by the Senior Defense Counsel (SDC).

(c) Relief from the authority to whom the motion was submitted is a factor that adds credibility to the righteous nature of the motion but is not in-and-of-itself determinative.

(d) While there is no minimum or maximum length for nominated motions, a motion should be "as long as necessary and as short as possible."

(e) The forum in which the motion was submitted (General Court-Martial, Special Court-Martial, Summary Court-Martial, Initial Review Officer Hearing, Preliminary Hearing, Board of Inquiry, or Administrative Separation Board) is irrelevant.

(f) The Chief Defense Counsel of the Marine Corps, RDCs, DCAP OIC, and Civilian Attorney Advisors are not eligible for this award. Enlisted personnel are specifically included and encouraged to draft motions in consultation with defense counsel.

(2) Nominations Process.

(a) Defense Counsel. Participation in the DSO Motions Practice Award is **mandatory**. Each Defense Counsel in the DSO *shall*, at a minimum, submit one motion for consideration by the Senior Defense Counsel. On or before 30 November, select a motion that meets the relevant eligibility requirements. Scrub all motions of personally identifiable information (PII). Submit an electronic copy to the SDC under a forwarding memorandum. Do not include enclosures, appendices, exhibits, or attachments.

(b) Enlisted personnel. Participation in the DSO Motions Practice Award by enlisted personnel is not mandatory. However, enlisted personnel are encouraged to draft motions for consideration in consultation with defense counsel.

(c) Senior Defense Counsel. On or before 15 December forward *all* submitted motions electronically to your RDC. Select the best submission and forward with endorsement. If the SDC wrote an original motion during the past calendar year, the SDC shall also submit that motion to the RDC.

(d) Regional Defense Counsel. On or before 1 January forward *all* submitted motions to the DCAP OIC. In addition, select one nominee from your region for the DSO Motions Practice Award. The RDC may elect to nominate, in his sole discretion, an SDC's recommended motion or any other submitted motion for the DSO-wide award. Forward your nomination for the DSO Motions Practice Award to the CDC, via the DSO Chief with endorsement(s). Prior to submission, ensure all PII is redacted and remove all references that might indicate who wrote the motion.

(e) Reserve CDC/Civilian Attorney Advisors/DCAP OIC. On or before 1 February provide input on the four finalists to the CDC.

(f) The CDC is the final arbiter of this award.

c. Judging Criteria.

(1) Senior Defense Counsel. SDCs have discretion to select the best motion submitted by their counsel during the award period. While the SDC selection criteria are discretionary, the nomination should be informed by the CDC criteria.

(2) Regional Defense Counsel. RDCs have discretion to select the best motion from all submissions by their SDCs. While the RDC criteria are discretionary, the nomination should be informed by the CDC criteria.

(3) CDC criteria.

(a) Rubric:

Persuasiveness	Originality	Citations	Punctuation/Grammar	Style	Format
50%	20%	10%	10%	5%	5%

(b) Persuasiveness-50%. Above all else, a motion must be persuasive. Persuasiveness is a subjective determination made by the CDC and informed by: relief granted (if any) as well as input from the Reserve CDC, nominating RDC, nominating SDC, Civilian Attorney Advisors, and the DCAP OIC.

(c) Originality-20%. Originality is a subjective judgment influenced by the novelty of the issue. For instance, a standard motion to compel witnesses would generally not score very high in originality.

An ADSEP motion for an out-of-area witness to testify via FaceTime would grade higher. A motion to compel a former interpreter from Iraq with Department of State support would score high in originality.

(d) Citations-10%. Citations need to be Shepardized, correct, and accurate. This builds credibility in the argument with the deciding authority.

(e) Punctuation/Grammar-10%. Great attorneys and legal specialists can write well. Poor punctuation and grammar distract the reader and negatively impact credibility.

(f) Format-5%. While the substance of a motion should govern, format and presentation are also important. The local circuit formatting conventions or standard naval correspondence will be applied as appropriate.

(g) Style-5%. The writer's voice, also known as style, is very important. This is a subjective determination made by the CDC and informed by the advisory group.

d. Subordinate Element Missions:

(1) DSO Chief. Collect any and all academic writing submissions and distribute to the CDC, Reserve CDC, and DCAP OIC and Civilian Attorney Advisors for review.

(2) DCAP OIC. Review and compile all submitted motions for inclusion on SharePoint. Provide advisory input as required.

(3) Civilian Attorney Advisors. Provide a non-military perspective on the quality of nominated motions and other awards by request.

7. Recognition.

a. Award recipients will be publicly recognized at the yearly Worldwide training and will be included on a recognition plaque to be displayed at the office of the CDC.

b. Recipients of the DMOY and the DCOY shall be nominated for a Specific Achievement Award (as a Competitive Accomplishment) Navy and Marine Corps Achievement Medal by the RDC of the region where the nominee is physically assigned in accordance with references (a) and (b). The DSO Academic Writing Award and the DSO Motions Practice Award recipients will receive a letter of appreciation from the CDC for inclusion within their OMPF.

c. Names of SJA and Regional DMOY and DECOY winners, along with writing award winners, shall be submitted to JAD for release by the Staff Judge Advocate to the Commandant of the Marine Corps announcing the selections.

d. Each award recipient (sergeants and above), including the DECOY, DMOY, the DSO Academic Writing Award, and the DSO Motion Practice Award, receives a commendatory Fitness Report.

(1) For the DMOY and DCOY, include a comment substantially similar to the following in the Marine's Section I:

Directed Comment, Sect A, Item 6a: MRO was selected by the Staff Judge Advocate to the Commandant of the Marine Corps as the recipient of the 20[XX] [DSO Defense Counsel of the Year][DSO Marine of the Year]. [MRO was selected over [XX number of

his or her peers]. This award is reflective of superior MOS technical and tactical proficiency.

(2) For the DSO Academic Writing Award and the DSO Motion Practice Award, include a comment substantially similar to the following in the Marine's Section I:

Directed Comment, Sect A, Item 6a: MRO [drafted the motion][authored a published article] and was selected by the Chief Defense Counsel of the Marine Corps as the recipient of the 20[XX] [DSO Academic Writing Award][DSO Motions Practice Award]. [MRO's article (include amplifying comments about article, e.g. where published, significance of issues addressed, etc.)] OR [MRO's motion was selected out of motions submitted by over 70 defense attorneys and is reflective of superior MOS technical and tactical proficiency.]

8. Conclusion. The point of contact for this program is DCAP OIC. This CDC Policy Memo is effective immediately.



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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