



UNITED STATES MARINE CORPS
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS
MARINE CORPS DEFENSE SERVICES ORGANIZATION
701 SOUTH COURTHOUSE ROAD, BUILDING 2 RM 1D130
ARLINGTON, VA 22204-2482

In Reply Refer To:
5813
CDC
24 Feb 16

CDC Policy Memo 1.5B

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

Encl: (1) Awards Flow Charts
(2) Eligibility Matrix
(3) DSO Marine of the Year Nomination Form
(4) Defense Counsel of the Year Nomination Form Motion
(5) Motion of the Year Nomination Cover Sheet

1. Purpose. To standardize procedures within the Marine Corps Defense Services Organization (DSO) in order to recognize those members of the DSO who have had the greatest positive impact on the mission of "Marines Defending Marines," and to make service in the DSO something Marines in our community seek out as career enhancing and valuable.

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. It is my honor and privilege to serve with you all, each of you as capable and professional as the next. Similarly, our clients are fortunate to have you standing by their side and diving headlong into the military justice fray each and every day. It therefore seems appropriate to formalize our existing awards program in a manner which will reflect credit on both the persons selected by the program, and the DSO as a whole. This program is intended to supplement, not replace, recognition by Commanders for meritorious performance of duty submitted in accordance with the references.

3. Policy. The DSO is divided into four regions. These regions are: National Capitol Region (NCR); East; West; and Pacific. We will recognize both legal services specialists and

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

attorneys throughout the DSO in an appropriate manner. I intend for the DSO to be a desirable, career-enhancing place for all attorneys and legal service specialists. One way to do this is through public recognition of exceptional performance of duty. In addition to the Department of the Navy awards listed in the references, the established DSO awards are: Marine of the Year, Defense Counsel of the Year (DECOY), the Academic Writing Award and the Motions Practice Award. Deadlines and processes for all DSO awards are outlined in enclosure (1).

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. In order to ensure proper recognition of the contributions made by DSO personnel, I am standardizing 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 will be nominated for a personal award when appropriate.

b. Letter of Continuity. A letter of continuity should be prepared when it is believed that an individual is deserving of recognition but is only being reassigned and not executing permanent change of station orders. 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 to the DSO, the 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 by the cognizant Regional Defense Counsel (RDC) for the DSO Marine of the Year and the DSO Defense Counsel of the Year in accordance with paragraph 7(b). Additionally, circumstances may arise in which a personal impact

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

award may be appropriate (e.g. a defense counsel prevents an imminent suicide). These awards will be provided to the RDCs for vetting and submission to the Legal Services Support Section (LSSS) OIC.

d. Administrative Routing. All awards for defense counsel will be routed to the RDCs and then provided to the appropriate LSSS OICs. RDCs are responsible for originating Senior Defense Counsel (SDC) personal awards and forwarding them to the LSSS OIC. A courtesy copy of all forwarded awards will be provided to the DSO Legal Chief. The CDC will originate all RDC, Defense Counsel Assistance Program (DCAP), DSO Legal Chief, and civilian personal awards. Under no circumstances should personal awards go directly from SDCs to LSSS OICs.

5. Marine of the Year/Defense Counsel of the Year. RDCs shall establish written policies and procedures within their regions for selection of Marines worthy of recognition as DSO Regional Marine of the Year and Regional Defense Counsel of the Year (DECOY). In doing so 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 Legal Services Support Team (LSST) Officers-in-Charge, military justice personnel, military judges, and Staff Judge Advocates.

a. *Marine of the Year.* Each Regional Defense Counsel shall establish a program to recognize the hard work and dedication of Legal Services Specialists in their region. Award eligibility criteria are depicted in enclosure (2). At a minimum:

(1) Each DSO Region will recognize one Legal Services Specialist in the grade of E-5 and below as the Regional DSO Marine of the year. Regional Defense Counsel (RDCs) shall establish policies and procedures for nomination and selection within their regions, and will coordinate appropriate recognition with the Officer-in-Charge of the Legal Services Support Section or Team where the Marine selected is physically employed.

(2) The four Regional DSO Legal Service Specialists of the Year will compete for selection as DSO Marine of the Year. RDCs will use enclosure (3) to submit their Regional DSO nominations. The Chief Defense Counsel of the Marine Corps (CDC), in consultation with the DSO Legal Chief and Reserve Chief Defense Counsel of the Marine Corps, will make the final selection.

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

b. *Defense Counsel of the Year (DECOY)*. In addition to the foregoing, each RDC shall establish a program to recognize the hard work and dedication of Judge Advocates in their region. Award eligibility criteria are depicted in enclosure (2). At a minimum:

(1) Each DSO Region will recognize one Judge Advocate in the grade of O-4 and below as the Regional Defense Counsel of the year (DECOY). 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 Officer-in-Charge of the Legal Services Support Section or Team where the Judge Advocate selected is physically employed.

(2) The four Regional DECOY will compete for selection as DSO DECOY. RDCs will use enclosure (4) to submit their Regional DSO nominations. The Chief Defense Counsel of the Marine Corps (CDC), in consultation with the DSO Highly Qualified Experts, the Officer-in-Charge, Defense Counsel Assistance Program, and the Reserve Chief Defense Counsel of the Marine Corps, will make the final selection.

c. *Nomination Process*. Each RDC shall submit their nominee for DSO Marine of the year and DECOY at least sixty calendar days prior to the annual DSO World-Wide Community Training. Use enclosures (3) and (4) for all submissions.

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 will recognize the best in academic writing and motions practice in order 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 eligible for recognition, academic writing and motions practice.

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

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

(1) Eligibility Criteria. Nominees must:

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

(b) Be in a Defense Counsel 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, for example *The Army Lawyer* or *The Marine Corps Gazette*;

(f) Have published a writing at least 1,500 words in length;

(g) Have published in a subject 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 upon publication.

(3) Nominations may be submitted via email by any member of the DSO through the individual defense counsel's operational 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 of the Marine Corps no later than 30 calendar days after the end of the established award period. Should the 30th day fall on a Holiday or Weekend, nominations are due the last business day preceding that Holiday or Weekend.

(6) The CDC, in consultation with the Reserve CDC and DCAP, is the final arbiter of this award.

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. Second, it is intended to facilitate healthy turnover of new and updated

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

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 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, or board during the established award period.

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

(c) Relief from the Trial or Appellate Court is a factor which 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 good rule of thumb is that 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, Board of Inquiry, or Administrative Separation Board) is irrelevant.

(f) The Chief Defense Counsel of the Marine Corps, RDCs, DCAP, and Civilian Litigation Experts are not eligible for this award.

(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 his or her Senior Defense Counsel. On or before 30 November, select a motion you believe meets the relevant eligibility requirements. Scrub all motions of personally identifiable information (PII). Submit an electronic copy to your SDC, along with the completed defense counsel section of the nomination cover sheet (encl (5)). Do not include enclosures, appendices, exhibits, or attachments.

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

(b) Senior Defense Counsel. On or before 15 December forward all motions electronically to your RDC. Select the best nomination and forward with completed SDC comments to the RDC for consideration (encl (5)). If the SDC wrote an original motion during the past calendar year, the SDC may submit that motion to the RDC for consideration in addition to the nominated motion.

(c) Regional Defense Counsel. On or before 1 January forward all motions to the Officer In Charge, Defense Counsel Assistance Program. Select one nominee from your region. Forward your nomination for the DSO Motions Practice Award to the CDC with the completed cover sheet (encl (5)).

(d) Reserve CDC/Civilian Litigation Specialists/DCAP. On or before 1 February provide input on the four finalists to the CDC.

(e) Should any designated due date fall on a Holiday or Weekend, nominations are due the last business day preceding that Holiday or Weekend.

(f) The CDC is the final arbiter of this award, with advice from DCAP.

(g) The DSO Motions Practice Award will be presented in an appropriate ceremony at the Annual DSO World-Wide Community Training Event.

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, and nested within, CDC criteria.

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

(3) CDC criteria.

(a) Rubric:

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

Persuasiveness	Originality	Citations	Punctuation/Grammar	Style	Format
45%	20%	15%	10%	5%	5%

(b) Persuasiveness-45%. Above all else, a motion must be persuasive. Persuasiveness is a subjective determination made by the CDC and informed by: relief granted (if any), input from the Reserve CDC, nominating RDC, nominating SDC, and the OIC of DCAP.

(c) Originality-20%. Originality is a subjective judgment based on 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-15%. Citations need to be correct and accurate. This builds credibility in the argument and credibility with the judge.

(e) Punctuation/Grammar-10%. Great attorneys can write well. Proper punctuation and grammar count.

(f) Format-5%. While the substance of a motion should govern, the format and presentation is important. This recognition program will utilize the local circuit formatting conventions.

(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 input from the Reserve CDC, nominating RDC, nominating SDC, and the OIC of DCAP.

c. Subordinate Element Missions:

(1) DCAP.

(a) Collect any and all academic writing submissions and distribute to the CDC, Reserve CDC, and Civilian Litigation Specialists for review.

(b) Compile all submitted motions for CD/hard drive distribution at the CDC conference and/or SharePoint. Be prepared to provide highlights from the newly created motions bank during the DSO World-Wide Community Training Event.

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

(2) Civilian Litigation Specialists. Provide a non-military perspective on the quality of nominated motions.

7. Recognition.

a. Award recipients will be publically recognized at the CDC conference and will be included on a recognition plaque to be displayed at the office of the CDC.

b. Recipients of the Marine of the Year and the Defense Counsel of the Year will 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 employed 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. Award recipients and the regional nominees for Marine of the year and DECOY shall be included in a MARADMIN submitted for release by the Staff Judge Advocate to the Commandant of the Marine Corps announcing the selection.

d. Each award recipient, including the DECOY, DSO Marine of the Year (when a Sergeant), the DSO Academic Writing Award, and the DSO Motion Practice Award receive a commendatory Fitness Report.

(1) For the Defense Counsel of the Year or Marine of the Year, 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 Chief Defense Counsel of the Marine Corps as the recipient of the 20[XX] [DSO Defense Counsel of the Year][DSO Marine of the Year]. [MRO's was selected over [70 of his or her peers][12 of his or her peers]. This award is reflective of superior MOS technical and tactical proficiency.]

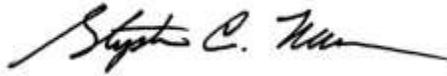
(2) For the DSO Academic Writing Award, and the DSO Motion Practice Award, include a comment substantially similar to the following in the Marine's Section I:

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

Subj: DEFENSE SERVICES ORGANIZATION AWARDS PROGRAM

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 thousands 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. 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

MARINE CORPS DEFENSE SERVICES ORGANIZATION MARINE OF THE YEAR NOMINATION FORM

Thank you for taking the time to nominate one of our 4421 as Marine Corps Defense Services Organization Marine of the Year. The intent of this award is to recognize the DSO 4421 who has best epitomized the DSO Creed during this past Calendar Year:

We are Marines – Judge Advocates and Legal Services Specialists – who are dedicated to defending our fellow Marines and Sailors, by providing them legal counsel in any matter required by statute, regulation, or otherwise authorized. We are zealous advocates for our clients, serving independently of the local chain of command and under the supervision of the Marine Corps Defense Services Organization. We zealously represent each and every client within the guidelines of the law, consistent with our professional ethics, and in accordance with our rules of practice. We selflessly perform our duties with the utmost integrity, motivation and pride, without fear of reprisal, or expectation of professional or personal gain. In the same spirit as “Taking Care of Our Own,” we are: “Marines Defending Marines.”

In order to be eligible the 4421 must have served with the DSO during the last calendar year and remain on active duty through the date determined by the Chief Defense Counsel of the Marine Corps (published separately). The DSO Marine of the Year will be announced and recognized during the Annual DSO World-wide Community Training (DSO WWCT). It is not necessary that the nominee presently be a member of the DSO. Neither is it required that the nominee be present at the annual DSO WWCT, although it is preferred. Anyone may submit a nomination, which should be submitted on this form through the Nominee’s RDC, but the four Regional DSO Marines of the year are automatic nominations. All nominations must be submitted sixty (60) calendar days prior to the first day of the DSO WWCT. Please complete as much of this form as possible, understanding that you may not have access to all the information requested.

- 1. Your Info:**
- 2. Nominee’s Name:**
- 3. Nominee’s Billets during the last calendar year:**
- 4. Nominee’s Current Battalion / Squadron Commander:**

5. Narrative Description why this Nominee should be DSO Marine of the Year:

6. Statistics:

A. Number of Defense Counsel in Nominee's section:

B. Cases processed by this section in the last calendar year, including pleas and Board Waivers:

-GCMs:

-SPCMs:

-BOIs:

-AdSep Boards:

7. Mentorship – Please identify or describe specific examples of the Nominee teaching, training, or mentoring others in order to improve the practice of law:

8. Honoring the Creed – Please identify or describe specific examples of how the Nominee honored the DSO Creed in the performance of his or her duties with the DSO.

9. Professionalism - Describe how this Nominee interacts with members of the opposite side of the bar, members of the Judiciary, Staff Judge Advocates, Officers-in-Charge, Law Center Directors, Convening Authorities, and family members of their clients.

10. Non-DSO duties - Does this Nominee have any non-duty related accomplishments worthy of consideration (e.g. volunteer work, significant accomplishments in PME, publication, deployments, or other awards received during this period)? If so, please describe.

11. Other Information:

MARINE CORPS DEFENSE SERVICES ORGANIZATION DEFENSE COUNSEL OF THE YEAR (DECOY) NOMINATION FORM

Thank you for taking the time to nominate one of our officers as DSO-wide Defense Counsel of the Year (DECOY). “Wins and losses” in the courtroom are important, but they matter less than recognizing the Judge Advocate in the DSO who has had the greatest impact in their region and the DSO over the last calendar year. In order to be eligible the Officer must have practiced as a defense counsel in the Region at some point during the last calendar year, and remain on active duty through a date specified by the Chief Defense Counsel of the Marine Corps (published separately). The DECOY will be announced and recognized during the Annual DSO World-wide Community Training (WWCT). It is not necessary that the nominee presently hold a Defense Counsel billet. Neither is it necessary that the nominee be present at the WWCT, but it is preferred. Anyone may submit a nomination, which should be submitted on this form through the Nominee’s RDC, but the four Regional DECOY are automatic nominations. All nominations must be submitted sixty (60) calendar days prior to the first day of the DSO WWCT. Please complete as much of this form as possible, understanding that you may not have access to all the information requested.

1. **Your Info** (Name, Billet, Phone Number):
2. **Nominee’s Name:**
3. **Nominee’s Billets during the last calendar year:**
4. **Nominee’s Current Battalion / Squadron Commander:**
5. **Narrative Description why this Nominee should be DSO DECOY:**
6. **Statistics:**
 - A. Number of Defense Counsel in Nominee’s section:
 - B. Cases processed by this section in the last calendar year, including pleas and Board Waivers:
 - GCMs:
 - SPCMs:
 - BOIs:

-AdSep Boards:

C. Number of cases processed by this Nominee in the last calendar year, including pleas and Board Waivers:

-GCMs (Identify # contested):

-SPCMs (Identify # contested):

-BOIs:

-AdSep Boards:

7. **Mentorship** – Please identify or describe specific examples of the Nominee teaching, training, or mentoring others in order to improve the practice of law:

8. **Motion Practice** - What motions have been written and argued by this Nominee? Identify the most significant motion written, the issues it addressed, how it well it was argued. Were there any creative or unique interpretations of the law advocated? **Persuading the court on a particular point of law or motion should be noted, but prevailing on a motion for appropriate relief is not the most important factor to consider for the purpose of this nomination.**

9. **Advocacy In Contested Cases** - Identify the Nominee's most significant accomplishment in a contested trial. Describe the Nominee's style and effectiveness with regards to advocacy, understanding of the Rules for Courts-Martial and Rules of Evidence, and how quickly he or she thinks on his or her feet in a contested trial. **Acquittals and whether the trial was members or judge alone should be noted, but are not the most important factors to consider for the purposes of this nomination.**

10. **Advocacy in Uncontested Cases** - Identify the Nominee's most significant accomplishment in a guilty plea. Describe the Nominee's style and effectiveness with regards to advocacy, understanding of the Rules for Court-Martial and Rules of Evidence, and how quickly he or she thinks on his or her feet in a guilty plea. **Significant accomplishments and whether the plea was members or judge alone on sentence should be noted, but are not the most important factors to consider for the purposes of this nomination.**

11. **Post-Trial Matters** - How effectively does this nominee advocate in the post-trial process? How well are post-trial matters written and advocated? Identify the most significant post-trial matter or issue raised or addressed by this nominee, if any. Identify any significant post-trial relief granted.

12. **Professionalism** - Describe how this Nominee interacts with members of the opposite side of the bar, members of the Judiciary, Staff Judge Advocates, Officers-in-Charge, Law Center Directors, Convening Authorities, and family members of their clients

13. **Non- DC duties** - Does this Nominee have any non-duty related accomplishments worthy of consideration (e.g. volunteer work, significant accomplishments in PME, publication, deployments, or other awards received during this period)? If so, please describe.

14. **Other Information** - Please provide any other information you consider relevant to this nomination.

Motion Cover Sheet:

To Be Completed by Defense Counsel:

Name:	Motion (Generally):
Relief Requested:	Relief Granted:
Date Filed:	Date Argued:

To be completed by SDC only for nominated motion:
Comments:

To be completed by RDC only for nominated motion:
Comments: