



**UNITED STATES MARINE CORPS**  
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS  
MARINE CORPS DEFENSE SERVICES ORGANIZATION  
755 SOUTH COURTHOUSE ROAD, BUILDING 2, SUITE 1000  
ARLINGTON, VA 22204-2482

IN REPLY REFER TO  
5800  
CDC  
21 Aug 18

**CDC Policy Memo 2.1A**

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

**Subj: NEW DSO MEMBER ORIENTATION CHECKLIST**

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

1. Purpose. To update the Defense Counsel Orientation Checklist and to issue 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. I intend for the DSO Member Orientation to be an iterative process, and to stimulate discussion between members of the DSO, supported staff judge advocates, and the judiciary regarding the role of the DSO in the military justice system.

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 Clerk 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 fourteen days of being assigned to the DSO.

**Subj: NEW DSO MEMBER ORIENTATION CHECKLIST**

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.

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. Enclosure (1) is available for download at <https://ehgmc.usmc.mil/sites/cdc/Welcome%20Aboard/Forms/AllItems.aspx>. Biographical Data Sheets should be forwarded to the Branch Office NCOIC or Regional Defense Chief so that they may upload it 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 2.1 is hereby cancelled. This CDC Policy Memo is effective immediately.



J. W. HITESMAN

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:

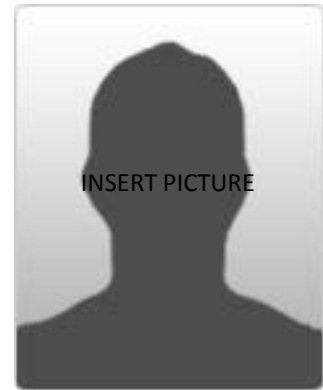
AFADBD:

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

PFT:

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:

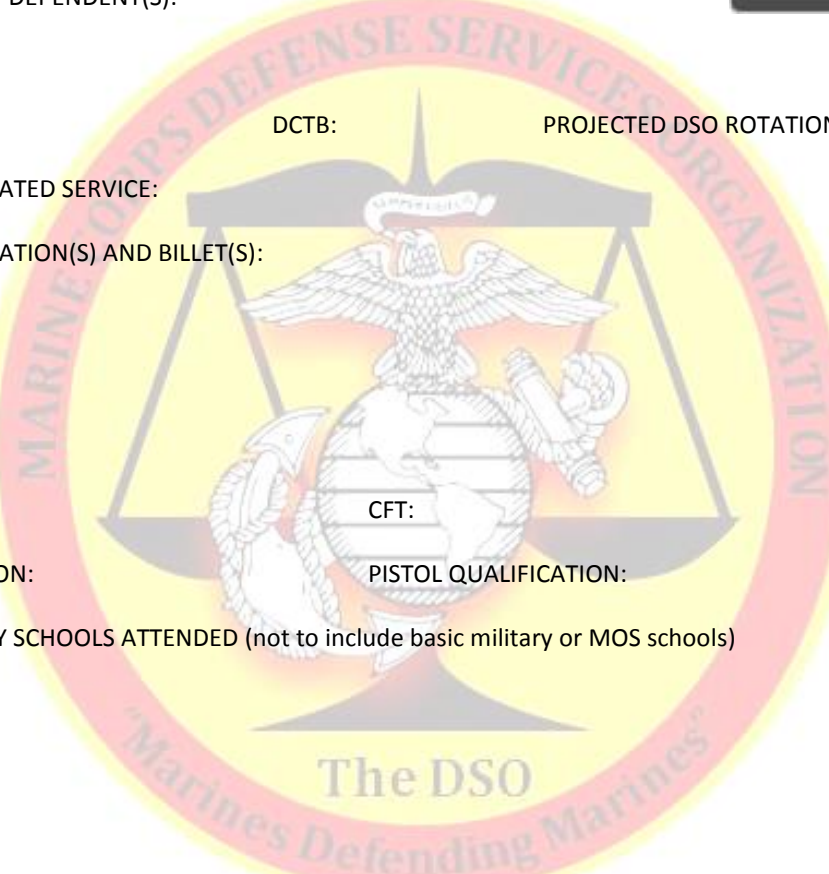
YEAR:

### 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 but should complete this within the next 21 days. Your Senior Defense Counsel (SDC) or mentor will initial on the line for each topic, confirming your completion. Where the checklist identifies that you discuss a topic with a DC, you may pick any in your region, but you may not conduct all discussions with the same DC.*

*Complete the following tasks:*

- ☐ Send the CDC via the DCAP OIC an introductory email with a brief bio and Encl (1). Courtesy copy to your respective Attorney Advisor.
- ☐ Meet with your Branch Office NCOIC to receive a class on CIS.
- ☐ Provide your Branch Office NCOIC or Regional Defense Chief with your Bio Data Sheet so they may upload it to the DSO SharePoint.
- ☐ Request from your Branch Office NCOIC or Regional Defense Chief to be added to the Regional Personnel Tracker on SharePoint.
- ☐ 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 eHQM PORTAL," and then send a digitally signed email to HQMC IT Support Helpdesk at ([HQMCITAS.FCT@usmc.mil](mailto:HQMCITAS.FCT@usmc.mil)).
- ☐ 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.
- ☐ Call DCAP at (703) 604-0574 to introduce yourself.
- ☐ Set up your voicemail identifying yourself as a Defense Counsel.
- ☐ Confirm your Lexis account.
- ☐ Obtain access to the local Circuit's weekly docket.
- ☐ Ensure you have access to your local defense section's shared drive.
- ☐ Obtain an electronic version of your branch office's DSO letterhead.
- ☐ Create your email signature block identifying yourself as a member of the DSO.
- ☐ Ensure you have electronic copies of the following in your office: MCM, JAGMAN, LSAM, JAGINST 5803.1E, MARCORSEPMAN, Circuit Rules, and all CDC Policy Memos.
- ☐ Download the Practicing Military Justice handbook from TJAGLCS.
- ☐ Download the Electronic Military Judges' Benchbook.
- ☐ Gain access to the Navy and Army Defense SharePoints and get on Army DCAP distribution list. Contact DCAP if you need points of contact.
- ☐ Get electronic copies of Navy Defense Counsel Deskbook and Army DC 101 and 201 Deskbooks.
- ☐ Get copy of DSO Objections Cheat Sheet.

---

## Duties of a Defense Counsel

*Read the following materials:*

- ☐ DSO Mission Statement and Creed

# Marine Corps Defense Services Organization

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

- ☐ 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
- ☐ General Mattis' letter to the DSO

*Complete the following tasks:*

- ☐ Familiarize yourself with the following Appellate Court Opinion and Digest websites: The Navy and Marine Corps Court of Criminal Appeals (NMCCA), found at [http://www.jag.navy.mil/courts/opinion\\_archive.htm](http://www.jag.navy.mil/courts/opinion_archive.htm); The Court of Appeals for the Armed Forces, (CAAF) found at <http://www.armfor.uscourts.gov/newcaaf/home.htm>.
- ☐ Familiarize yourself with C.A.A.F. Digest at [http://www.armfor.uscourts.gov/newcaaf/opinions\\_digest.htm](http://www.armfor.uscourts.gov/newcaaf/opinions_digest.htm).
- ☐ Familiarize yourself with the following military justice blogs: CAAFLOG, found at [www.caaalog.com](http://www.caaalog.com); 31Blog, found at <http://article31blog.wordpress.com/>; Court Martial Trial Practice, found at <http://www.court-martial-ucmj.com/>; SCOTUSBlog, found at <http://www.scotusblog.com/>.
- ☐ Familiarize yourself with the Detailing/IMC/Notice of Appearance Forms in the "Checklists, Forms, and Templates" section on SharePoint.  
Discuss the duties of a DC and all CDC Policy Memos with your SDC.

---

## Discovery & Witnesses

*Read the following materials:*

- ☐ Rules for Courts-Martial 701-703.
- ☐ Find motions to compel discovery, motion to compel witness production, motion for expert assistance and expert witness testimony on SharePoint.
- ☐ Read summaries of the following cases on C.A.A.F. Digest at <http://www.armfor.uscourts.gov/newcaaf/digest/IVA3.htm>  
*United States v. Claxton*, 76 M.J. 356 (C.A.A.F. 2016)  
*United States v. Stellato*, 74 M.J. 473 (C.A.A.F. 2014)  
*United States v. Coleman*, 72 M.J. 184 (C.A.A.F. 2013)  
*United States v. Behenna*, 71 M.J. 228 (C.A.A.F. 2010)

*Complete the following tasks:*

- ☐ Obtain the approved templates for discovery, witness, and expert requests.
- ☐ Discuss reciprocal discovery obligations, the standards for lay witness on the merits and in 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 counsel.

# 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 405

*Complete the following tasks:*

- ☐ Observe an Article 32 hearing.
- ☐ 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 as second chair in an Article 32 hearing.

---

## Article 39a 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.
- ☐ Sit second chair in a motion session– read all relevant pleadings prior.
- ☐ Discuss the effect of arraignment on the speedy trial clock with your SDC.
- ☐ Discuss the types, forms, and purpose of motions practice with your SDC.

---

## Guilty Pleas, Pretrial Agreements, and Sentencing

*Read the following materials:*

- ☐ Trial Guide (most recent version) (particularly the guilty plea inquiry)
- ☐ DCAP Guilty Plea Checklist
- ☐ Model PTA
- ☐ Collateral Consequence Advice Forms (immigration, firearms, sex-offender registration)
- ☐ Rules for Courts-Martial 1001-1003
- ☐ Read summaries of the following cases on C.A.A.F. Digest at <http://www.armfor.uscourts.gov/newcaaf/digest/IVB2.htm>
  - United States v. Hardy*, 77 M.J. 438 (C.A.A.F. 2017)
  - United States v. Price*, 76 M.J. 136 (C.A.A.F. 2016)
  - United States v. Moon*, 73 M.J. 382 (C.A.A.F. 2013)
  - United States v. Hines*, 73 M.J. 119 (C.A.A.F. 2013)

*Complete the following tasks:*

- ☐ Observe a guilty plea and a sentencing hearing.
- ☐ Discuss how to prepare a client for providence and the pros and cons generically between contesting a case and accepting a PTA with your SDC.
- ☐ Sit second chair in a guilty plea.



# Marine Corps Defense Services Organization

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

---

## 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.
- ☐ Second chair an entire contested trial.

---

## The Role of the Military Judge

*Read the following materials:*

- ☐ Your local Circuit Rules
- ☐ Read summaries of the following cases on C.A.A.F. Digest at <http://www.armfor.uscourts.gov/newcaaf/digest/IIC1.htm>  
*United States v. Salyer*, 72 M.J. 415 (C.A.A.F. 2012)  
*United States v. Phillips*, 70 M.J. 161 (C.A.A.F. 2010)  
*United States v. Wiechmann*, 67 M.J. 456 (C.A.A.F. 2008)

*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.
- ☐ Discuss “standing courts” vs. military courts and the role of the CA/SJA with your SDC.
- ☐ Discuss trends within your local judiciary with your SDC.

---

## Clemency and the Post-Trial Process

*Read the following materials:*

- ☐ Rules for Courts-Martial 1101-1210
- ☐ Appellate Rights Statement
- ☐ Appellate Leave Request and all orders cited therein
- ☐ Read summaries of the following cases on C.A.A.F. Digest:  
*United States v. Nerad*, 69 M.J. 138 (C.A.A.F. 2009) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVE7.htm>  
*United States v. Travis*, 66 M.J. 301 (C.A.A.F. 2008) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVE7.htm>  
*United States v. Hull*, 70 M.J. 145 (C.A.A.F. 2010) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVD1.htm>

*Complete the following tasks:*

- ☐ Discuss the review process and the DC’s role and responsibilities in that process with your SDC.
- ☐ Prepare a clemency package under the supervision of another DSO attorney.

# Marine Corps Defense Services Organization

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

---

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

*Read the following materials:*

- ☐ Part V, Manual for Courts-Martial
  - ☐ JAGMAN, Chapter 1, Part B (§§ 0106-0119)
  - ☐ CDC PM 2.3 (series)
  - ☐ Rules for Courts-Martial 1301-1306
  - ☐ Appendix 9 of the Manual for Courts-Martial (SCM script). Article 64, UCMJ
  - ☐ Lower Forum PTA templates
- United States v. Mead*, 72 M.J. 479 (C.A.A.F. 2013) at  
<http://www.armfor.uscourts.gov/newcaaf/digest/VE2.htm>
- United States v. Cary*, 62 M.J. 277 (C.A.A.F. 2006) at  
<http://www.armfor.uscourts.gov/newcaaf/digest/VE1.htm>
- United States v. Bracey*, 56 M.J. 387 (C.A.A.F. 2002)  
<http://www.armfor.uscourts.gov/newcaaf/digest/VE2.htm>

*Complete the following tasks:*

- ☐ Watch the NJP counseling video.
- ☐ Observe NJP counseling at your LSSS or LSST.
- ☐ Conduct an NJP counselling under the supervision of another DSO attorney.
- ☐ Draft a lower forum PTA for another DSO attorney.

---

## Administrative Separations and Boards of Inquiry

*Read the following materials:*

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

*Complete the following tasks:*

- ☐ Discuss the administrative separation board process with your SDC.
- ☐ Observe an administrative separation board.
- ☐ Sit as second chair on an administrative separation board.
- ☐ Prepare a letter of deficiency for a separation where you either sat as second chair, or for an administrative separation package you have reviewed under the supervision of another DSO attorney.

---

## Article 31(b) Rights

*Read the following materials:*

- ☐ Article 31(b), UCMJ
  - ☐ Military Rules of Evidence 304 and 305
  - ☐ Read summaries of the following cases on C.A.A.F. Digest at  
<http://www.armfor.uscourts.gov/newcaaf/digest/IIC6.htm#c>
- United States v. Piren*, 74 M.J. 24 (C.A.A.F. 2014)
- United States v. Jones*, 73 M.J. 357 (C.A.A.F. 2013)
- United States v. Hutchins*, 72 M.J. 294 (C.A.A.F. 2013)



# Marine Corps Defense Services Organization

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

*United States v. Clark*, 69 M.J. 438 (C.A.A.F. 2010)

*United States v. Seay*, 60 MJ 73 (C.A.A.F. 2004)

*Complete the following tasks:*

- ☐ Find and read two motions to suppress due to inadequate rights advisement in the Motions Bank on SharePoint.
- ☐ Observe an Article 31(b) rights counseling session.

---

## Initial Reviewing Officer Hearings and Confinement Facilities

*Read the following materials:*

- ☐ Rule for Courts-Martial 305
- ☐ The local order addressing IRO hearings
- ☐ Any MOU with local confinement facilities
- ☐ Read summaries of the following cases on C.A.A.F. Digest:  
*United States v. Mack*, 65 M.J. 108 (C.A.A.F. 2007) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVA6.htm>  
*United States v. Regan*, 62 M.J. 299 (C.A.A.F. 2006) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVA6.htm>  
*United States v. Crawford*, 62 M.J. 411 (C.A.A.F. 2006) at <http://www.armfor.uscourts.gov/newcaaf/digest/IVA7.htm>

*Complete the following tasks:*

- ☐ Observe an initial reviewing officer hearing.
- ☐ Discuss the pros and cons of waiving an IRO hearing with a DC.  
Discuss with your SDC the local confinement facility rules, communications with clients, requests for transport, client restraint outside the facility.

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

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

---

Senior Defense Counsel

---

Judge Advocate

# Marine Corps Defense Services Organization

## Defense Legal 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:*

- ☐ 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 defense counsel 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 defense counsel 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 attorney's preparation time beforehand.
- ☐ Ask the defense counsel 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)

*Complete the following tasks:*

- ☐ Discuss 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 eHQM PORTAL," and then send a digitally signed email to HQMC IT Support Helpdesk at ([HQMCITAS.FCT@usmc.mil](mailto:HQMCITAS.FCT@usmc.mil)).
- ☐ Provide your Branch Office NCOIC or Regional Defense Chief with your Bio Data Sheet so they may upload it 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 client's BIR/BTR/ROS/Awards/Page 11 information on them.

---

### Lexis 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.
- ☐ Know how to use Lexis to find individuals.

# Marine Corps Defense Services Organization

## Defense Legal Services Specialist (4421) Orientation Checklist

### **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 5803.1E.

*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, \_\_\_\_\_, 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