



**UNITED STATES MARINE CORPS**  
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In Reply Refer To:  
5813  
CDC  
6 Oct 14

**CDC Policy Memo 2.2**

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

**Subj: ETHICAL OBLIGATIONS OF DEFENSE SUPPORT PERSONNEL**

Ref: (a) JAGINST 5803.1 (series)

Encl: (1) Statement of Understanding for Defense Support  
Personnel  
(2) Rule 5.3: Responsibilities Regarding Non-Attorney  
Assistants

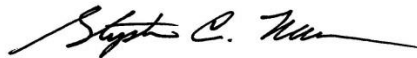
1. Purpose. To ensure that all support personnel serving under the supervisory control of Marine defense counsel understand and comply with the ethics standards and procedures as prescribed by reference (a). Defense support personnel include all Marines (except judge advocates), civilian employees, and interns assigned to a defense office.

2. Discussion. In the increasingly complex and fast-paced world of litigation, Marine defense counsel rely heavily on the support and services of defense support personnel who perform a wide array of tasks and who must fully understand the ethical implications of their billets. Although defense support personnel are not governed by the reference, their supervisory attorneys have specific responsibilities regarding their training, understanding, and compliance with applicable ethics standards that are illustrated in enclosure (1). The reference specifically requires supervising attorneys to "make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the covered attorney." Rule 5.3a(1) and (2). Under certain circumstances, the covered attorney might even be responsible for the conduct of non-judge advocate personnel under his supervision if he orders the conduct, or fails to take remedial action when the consequences of the conduct can be avoided or mitigated. See Rule 5.3a(3). A copy of Rule 5.3 in its entirety is provided at enclosure (2).

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3. Policy. Within two working days of the publication of this policy memo, defense support personnel will be re-briefed by their supervisory attorney regarding their ethical obligations. If they have not already done so, together they will each sign the Statement of Understanding (SOU) provided at enclosure (1). All newly assigned defense support personnel will be briefed by their supervisory attorney and sign the SOU within two days of reporting to a defense office. Until the SOU is executed, defense support personnel shall not have any access to attorney-client confidential matters or attorney-work product. The original SOU will be maintained by the supervisory attorney and a copy will be provided to the defense support personnel for continued reference throughout their tour in the defense office. An electronic version will be uploaded into a designated file on your Regional Defense Counsel's office within the Defense Counsel of the Marine Corps SharePoint site. Supervisory attorneys shall re-read and re-execute the SOU with their subordinates at least annually.

4. Conclusion. CDC Policy Memo 1-11 is hereby cancelled. This CDC Policy Memo is effective immediately.



STEPHEN C. NEWMAN

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