



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:
3000
CDC
17 Oct 14

CDC POLICY MEMORANDUM 3.5

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

Subj: USE OF STUDENT DEFENSE COUNSEL

Ref: (a) MCO P5800.16 (series)
(b) CDC PM 2.2 (series) (Ethical Obligations of Defense Support Personnel)
(c) CDC PM 2.1 (series) (Defense Counsel and Legal Intern Orientation Checklist)

Encl: (1) Statement of Understanding for Student Judge Advocates
(2) Client's Statement of Understanding Regarding Use of Student Judge Advocates

1. Purpose. To establish procedures for the assignment of Student Judge Advocates to the Defense Services Organization (DSO) to serve as "Student Defense Counsel" in order to support the DSO mission and to broaden the experience base of our future attorneys. To publish two Statements of Understanding that must be executed before a Student Judge Advocate in the DSO can be assigned to support defense counsel for courts and administrative hearings in order to ensure all parties understand the nuances of serving as a Student Defense Counsel. To encourage detailed defense counsel to seek judicial approval for assignment of Student Defense Counsel as non-lawyer assistants under R.C.M. 506(e) in order to allow Student Defense Counsel to participate as non-lawyer assistants and sit at counsel table in appropriate cases.

2. Discussion.

a. Reference (a) provides for the assignment of Student Judge Advocates (MOS 4401) to support the provision of legal services in the field. This program is important for two reasons. First, it provides our Legal Service Support and Command Advice attorneys in the field with additional manpower, most critically

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during the summer PCS season. Second, it broadens the experience of young Student Judge Advocates who, upon graduation from the Basic School and Naval Justice School, will quickly matriculate into our Legal Services Support Sections.

b. Reference (a) goes on to state that Student Judge Advocates will be assigned to support DSO Branch Offices in a manner consistent with their assignment to the Trial (prosecution) office. I fully support the assignment of Student Judge Advocates to DSO offices across the Fleet, and expect them to be used to their full potential. Experience has shown this program to be a huge success. Student Judge Advocates are force multipliers for the DSO and the legal community as a whole. They assist in the investigative phases of trial, draft motions, research legal issues, prepare witnesses, and sit at counsel table during cases.

c. Senior Defense Counsel are responsible for ensuring that Student Defense Counsel are challenged, mentored, and fully integrated into the DSO. One method to broaden a Student Defense Counsel's experience while meeting the needs of our clients is to assign them to serve as a non-lawyer assistant under Rule for Courts-Martial 506(e) and obtaining court permission to allow Student Defense Counsel to sit at counsel table. Not only does this give the Student Defense Counsel valuable experience for his or her future profession, but past history has demonstrated how valuable Student Defense Counsel can be to the defense team, and to the client. Consistent with the direction of their Senior Defense Counsel, detailed defense counsel are encouraged to request judicial approval for Student Defense Counsel to sit at counsel table. Furthermore, I encourage our military judges to support, endorse and approve this practice as one valuable to our community as a whole.

3. Policy.

a. Upon assignment to the DSO, a Student Judge Advocates is designated a "Student Defense Counsel" in writing by the Student Defense Counsel's Senior Defense Counsel, in a manner consistent with the appointment of other DSO attorneys.

b. Student Defense Counsel may be assigned in writing to Defense Counsel as non-lawyer assistants by their Senior Defense Counsel.

c. Prior to designation, Student Defense Counsel shall complete enclosure (1) and (2) of reference (c). Regional

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Defense Counsel are authorized to tailor enclosure (2) to reference (c) for Student Defense Counsel to meet the needs of their region while still ensuring the professional development and qualifications of Student Defense Counsel to perform basic defense tasks.

d. Defense Counsel are encouraged to request to permission of the Court, and Board Presidents, for Student Defense Counsel to sit at counsel table as non-lawyer assistants under R.C.M. 506(e).

e. Student Defense Counsel may not be detailed to represent individual clients but are instead assigned to assist defense counsel in a particular case.

f. The severance limitations of Rules for Courts-Martial 505 and 506 do not apply to Student Defense Counsel serving as non-lawyer assistants.

g. Student Defense Counsel will complete the enclosures to this Policy memo in order to ensure all parties understand the role of the Student Defense Counsel. The enclosures must be completed before a detailed defense counsel can request a Student Defense Counsel be allowed to sit at counsel table before a court or board. Attach copies of the completed documents to record of each board and Court in which the Student Defense Counsel participates.

4. Conclusion. CDC PM 1-12 is hereby cancelled. 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



UNITED STATES MARINE CORPS
[BRANCH OFFICE]
MARINE CORPS DEFENSE SERVICES ORGANIZATION
[ADDRESS]

IN REPLY REFER TO
5817
OFFICE
Date

From: Name of Student Defense Counsel
To: Distribution List

Subj: STATEMENT OF UNDERSTANDING REGARDING MY PARTICIPATION ON CASES WITHIN
THE DEFENSE SERVICES ORGANIZATION

Ref: (a) CDC Policy Memo 2.2 (series) (Ethical Obligations of Defense Support Personnel)

Encl: (1) Executed CDC Policy Memo 2.2 (series) Statement of Understanding

1. _____ I have read and understand the reference, which outlines my ethical obligations while assigned to the Marine Corps Defense Services Organization (DSO). Enclosure (1) contains my executed Statement of Understanding.
2. _____ I understand that I may be assigned to act as a Student Defense Counsel to assist detailed defense counsel regarding cases assigned by the Defense Services Organization (DSO).
3. _____ I understand that all communications and work-product regarding DSO cases are privileged and may not be disclosed without the clients' prior informed consent, obtained by the detailed defense counsel.
4. _____ I understand the scope of my participation may vary, but under reference (b) I may not form an attorney-client relationship as defined in reference (a) under any circumstances.
5. _____ I understand that I may execute orders at any time which would remove me from the DSO and those orders take precedence over my duties within the DSO.
6. _____ I understand that I have an obligation, prior to departing the DSO, to conduct a thorough debrief with each detailed defense counsel I have assisted to ensure that all tasks have either been completed or are properly turned over to the detailed defense counsel.
7. _____ I understand that a copy of this form and its cover letter will be provided to me, each client I assist, all defense counsel I assist, the detailing authority, and the military judge.

Signature of Student Defense Counsel

Witnessed by:

Signature of Supervisory Counsel

Distribution List:
Client
Military Judge
Detailing Authority
RDC

Enclosure (1)

Subj: STATEMENT OF UNDERSTANDING REGARDING MY PARTICIPATION ON
CASES WITHIN THE DEFENSE SERVICES ORGANIZATION

IN REPLY REFER TO
5817
OFFICE
Date

From: Name of Accused
To: Distribution List

Subj: CLIENT'S STATEMENT OF UNDERSTANDING REGARDING USE OF STUDENT DEFENSE
COUNSEL ON MY CASE

1. _____ I understand that I have a right to be represented by a detailed defense counsel, a civilian defense counsel and/or an individual military counsel. These rights do not extend to representation by a student defense counsel.
2. _____ I understand that a Student Defense Counsel may not be detail to my case, but that a student defense counsel may be assigned to assist my defense team.
3. _____ I understand that an assignment of Student Defense Counsel to my case does not form an attorney-client relationship between the student defense counsel and me.
4. _____ I understand that if a Student Defense Counsel assists my detailed defense counsel, all communications and work-product by the student defense counsel regarding my case are privileged and may not be disclosed without my informed consent.
5. _____ I understand that the Student Defense Counsel may execute order at any time which would remove them from the Defense Services Organization and as a non-lawyer assistant on my case.
6. After discussing this matter with (Detailed Defense Counsel), I would like to request that:
 - a. . _____ a student defense counsel assist my defense team on my case.
 - b. _____ a student defense counsel NOT assist my defense team.
7. _____ I understand that a copy of this form and its cover letter will be provided to me, list all co-counsel individually, the defense authority, and the military judge and a copy maintained in my case file.

Signature of Student Defense Counsel

Witnessed by:

Signature of Supervisory Counsel

Distribution List:
Client
Military Judge
Detailing Authority
RDC