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IN REPLY REFER TO

5813

CDC

21 Aug 17

CDC Policy Memo 4.1

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

Encl: (1) Sample Training Program

Subj: DEFENSE COUNSEL TRAINING PROGRAM

1. Purpose. To formalize a standard Defense Services Organization (DSO) defense counsel training program while simultaneously providing defense leaders the authority and control to implement the training that will most benefit their respective offices and regions.

2. Discussion. The DSO standard training program addresses the fundamentals of being a defense attorney. Training is designed to take basically trained lawyers and make them competent military defense attorneys. The program is designed with a building block structure, whereby the training moves from the most basic to more complex. Ideally, the program will be followed in order; however, due to training course scheduling and the inherent unpredictability of when we receive new counsel, this is not always possible.

3. Policy

a. The following standard defense counsel training program should be followed by all DSO defense counsel:

(1) Defense Counsel Orientation (DCO). DCO is a three-day training course offered twice a year, once at Camp Pendleton (typically March) and once at Camp Lejeune (typically August). The training curriculum is created by the Naval Justice School (NJS) and is designed to address most basic matters defense counsel will encounter during their tours. DCO is most beneficial for those counsel who have not served in a litigation billet in the past and the requirement to attend may be waived by the respective Regional Defense Counsel (RDC).

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(2) DSO Worldwide Community Training (WCT). The DSO WCT is a one-week training course attended by every DSO counsel. It takes place once a year (typically February) and focuses on a wide range of topics that defense counsel encounter during their tour. All counsel are required to attend this annual training.

(3) Defending Sexual Assault Cases (DSAC). DSAC is a one-week military specific course developed by the DSO Attorney Advisors in conjunction with NJS and is offered once a year (typically September). It focuses on sexual assault litigation skills and involves a great deal of practical application. All defense counsel are required to attend DSAC at least once during their tour.

(4) Core Outside Training. Core outside training are specific courses selected by DSO leadership offered by civilian or non-DoD governmental organizations. These courses focus on "graduate" level trial advocacy skills and are taught by attorneys with significant litigation experience. All defense counsel are required to attend at least one of the following courses during their tour:

(a) National Criminal Defense College, Macon, GA.

(b) Bronx Defenders Academy, Long Island City, NY.

(c) Federal CJA Trial Skills Academy, San Diego, CA.

(d) Alternate Defense Counsel's (ADC) Trial Advocacy Program, Denver, CO.

b. RDC and Senior Defense Counsel (SDC) Training. RDC training is required once per quarter. SDC training is required once per month. While there is no Chief Defense Counsel (CDC) mandated curriculum for RDC and SDC training, there are certain topics that should form the core of training for every defense counsel during their tenure in the DSO. See the enclosure for a sample training program and a list of suggested topics. Attorney Advisors will work in conjunction with RDCs, SDCs, and Reserve Training Officers (RTO) to develop their respective training programs according to the needs of their individual offices and regions. Defense Counsel Assistance Program (DCAP) is available to provide training resources as necessary including: suggested training programs, materials, and instructors. RDCs and SDCs are strongly urged to consult DCAP, Attorney Advisors, and RTOs in order to create long range training plans to make the most effective use of regional

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training resources and best practices in training defense counsel.

4. Conclusion. This CDC Policy Memo is effective immediately.



J. W. HITESMAN

Distribution List:

SJA to CMC

Legal Chief of the Marine Corps

All Marine Corps SJAs

LSSS OICs

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All members of the DSO

NMCTJ Code 52, OJAG

DSO SAMPLE 12 MONTH TRAINING PROGRAM

AUGUST	<ol style="list-style-type: none"> 1. Ad Sep/BOI Practice (Make It More Formalistic) 2. Investigating The Case: Includes Triage& Organization; Theme & Theory 3. Investigative Interviews 4. Discovery & Production 5. Voir Dire Lecture 6. DUI (Including NJP Counseling) 7. Remaining a Strong Advocate W/Superior Officer As MJ 	Advanced Module
	DCO	
SEPTEMBER	DSAC	
	<ol style="list-style-type: none"> 1. Client Interview Including Demo Of Meeting W/ Client (Using Actors/Advanced DC) 2. Opening Case (Bring Your Own File) Using Checklist Logging Notes File Organization Reports 	
	USACIL	
OCTOBER	<ol style="list-style-type: none"> 1. Practical App Voir Dire (Acting Staff, Military Volunteers, Experienced DC) 2. Region Specific Issues, E..G. Recruiter Misconduct At MCRD & PISC Incl RFC& Loss Of SDA; Jurisdiction In Oki; NCR Officer Misconduct Etc. 	
	<ol style="list-style-type: none"> 1. Direct & Cross Practical Application With Acting Staff/Advanced DC 	
	NACDL Defending The Indefensible (Defending Adult & Child Sexual Abuse Cases)	
DECEMBER	<p>RDC Training</p> <ol style="list-style-type: none"> 1. Motions Practice/Page 58 & Strategic Planning 2. Demo Interviewing Prospective Expert /Investigator Cross Exam Of Expert (Counter-Intuitive Psych) Direct Of Defense Expert (Forensic Psych) 3. Sentencing Preparation— Including Local Resources E. G. Wounded Warrior, Deployment Wellness, SARC 4. Cross Exam Of SANE 5. Case Consultation Using Preparation Materials w/Interactive Theme & Theory 	Advanced Module
December		

JANUARY	<ol style="list-style-type: none"> 1. Sentencing Experts 2. Cross, Direct & Unsworn Of Client
	Colorado Trial Advocacy Academy
FEBRUARY	DSO World Wide
MARCH	<ol style="list-style-type: none"> 1. Hearsay & Impeachment Drills
APRIL	<ol style="list-style-type: none"> 1. Avoiding IAC/Documenting The File 2. Objection Lecture, Demo, Drills 3. Foundation Lecture, Demo, Drills 4. Case Consultations (Bring Your File) 5. Demonstrative Evidence Lecture 6. BAH & Travel Fraud
MAY	** Curricula Attached
	<ol style="list-style-type: none"> 1. Novel Defense Instructions 2. Prac App Using Demonstratives
JUNE	<ol style="list-style-type: none"> 1. Trial Prep <ul style="list-style-type: none"> Organizing File How To Effectively Murderboard Trial Presentation Rehearsal
	NCDC Macon (2 Weeks)
JULY	<ol style="list-style-type: none"> 1. Plea Bargaining, Dives & Providence
	Bronx Academy NCDC Macon (2 Weeks)