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CHIEF DEFENSE COUNSEL OF THE MARINE CORPS  
MARINE CORPS DEFENSE SERVICES ORGANIZATION  
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IN REPLY REFER TO  
5813  
CDC  
16 Jan 19

CDC POLICY MEMORANDUM 4.2A

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

Subj: ATTORNEY ADVISOR MISSION AND CORRESPONDING POLICIES

Ref: (a) Attorney Advisor Position Descriptions  
(b) CDC Policy Memo 4.1B  
(c) SECNAV M-5216.5

Encl: (1) Regional Case Consultation Logs (Pacific, Western, National Capital, Eastern)  
(2) Travel Log

1. Purpose. To formalize the "Attorney Advisor Mission" and the processes for Attorney Advisors to support defense counsel, Senior Defense Counsel (SDC), Regional Defense Counsel (RDC), the Officer-in-Charge, Defense Counsel Assistance Program (OIC DCAP) and the Chief Defense Counsel (CDC) of the Marine Corps across four distinctive regions: Western, Pacific, Eastern, and National Capital (NCR). Currently two Attorney Advisors, Attorney Advisor East and Attorney Advisor West, are employed to provide support to defense counsel within their respective regions and to surrounding regions which do not have a local, resident Attorney Advisor.

2. Discussion. The Defense Services Organization (DSO) Attorney Advisors are government employees in the grade of GS-15, tasked with providing expertise on criminal justice litigation with a focus on the defense of sexual assault and similarly-complex cases. Attorney Advisors are force multipliers and assist in achieving the DSO objectives of consistency, continuity, and expert defense services. Upon request, our Attorney Advisors provide case-specific consultation services and advice to members of the DSO litigating or preparing to litigate complex cases at the DSO offices aboard MCB Camp Pendleton; MCAS Miramar, with a detachment at MCAS Yuma; MCAGCC 29 Palms; MCB Hawaii; MCB Camp Foster, with a detachment at MCAS Iwakuni; MCB Camp Lejeune; MCAS Cherry Point; MCRD Parris Island; and MCB Quantico.

3. Policy

a. Critical Elements of the Attorney Advisor Mission

(1) The Military Justice Act of 2016 (MJA-16) legislation modified nearly every aspect of the military justice process, to include establishing new criminal offenses and redefining others, vesting military courts with expanded powers, amending the authority of commanders, and

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streamlining post-trial processing. MJA-16 was implemented on 1 January 2019, and the Attorney Advisor mission now includes becoming proficient with the 2019 Manual for Courts-Martial and developing potential new strategies and tactics that will benefit the DSO's clients and defense counsel.

(2) Upon the request of defense counsel, SDC, RDC or the CDC, Attorney Advisors provide case-specific consultation services and advice to members of the DSO in litigating and preparing to litigate complex cases. Attorney Advisors are required to document the support using enclosure (1) and will submit this consultation log once per month with the RDC's monthly report.<sup>1</sup> No later than the last business day of each month,<sup>2</sup> Attorney Advisor East and Attorney Advisor West are required to submit signed consultation logs and send via encrypted government email to their respective two RDCs, who will forward to the DSO Chief and copy OIC DCAP. Effective immediately, consultation logs are subject to inspection under CDC Policy Memorandum 1.4A and copies will be maintained by the respective Attorney Advisor.

(3) Pursuant to the references, upon request, Attorney Advisors will provide direct support to both the OIC DCAP and CDC in developing and implementing DSO-wide standards of practice; developing and implementing relevant training requirements, resources, materials, and standing operating procedures for the effective and ethical defense of courts-martial; and providing ethics advice and training to counsel within their respective regions pursuant to the Department of the Navy Rules of Professional Conduct.

(4) Pursuant to the references, upon request, Attorney Advisors will provide direct support to their respective SDC and RDC in developing and implementing SDC and RDC training plans. Attorney Advisor East supports only the DSO offices aboard MCB Camp Lejeune; MCAS Cherry Point; MCRD Parris Island; and MCB Quantico. Attorney Advisor West supports only the DSO offices aboard MCB Camp Pendleton; MCAS Miramar, with a detachment at MCAS Yuma; MCAGCC 29 Palms; MCB Hawaii; and MCB Camp Foster, with a detachment at MCAS Iwakuni. Due to the sweeping changes under the MJA-16 and our goal of ensuring defense counsel reach the requisite level of expertise, Attorney Advisors will maintain records of training they provide to their respective regions.

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<sup>1</sup> The purpose of these logs is to ensure the CDC, as the supervisory attorney for the Attorney Advisors, is exercising proper supervision pursuant to reference (a). This is similar to the RDC's requirement to supervise Marines within their respective regions. Under reference (a), the CDC is required to review the Attorney Advisors' work for, "consistency with agency policy, for possible precedential effect, and for overall effectiveness of assisting and advising counsel and whether result was improved."

<sup>2</sup> The requirements of the case consultation logs include the date services were provided, the name of the case services were provided for, the counsel services were provided to, the amount of hours services were provided for, and a brief description of the services provided. Regarding the description, a "wave top" explanation is all that is required. For example, there if theme and theory for a particular case was discussed, the description should be to the effect of "discussed theme and theory," rather than a description of the theme and theory. There are five columns available on each consultation log. If more than five case consultations occurred during a particular month, multiple log sheets will be submitted.

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4. Communications

a. Due to the Attorney Advisors work locations and geographic separation from the Office of the CDC, effective and proper communication regarding the actions of the Attorney Advisors is vital.

b. Respective RDCs will be courtesy copied on all communications between the Attorney Advisors and the CDC.<sup>3</sup>

c. The CDC will be courtesy copied on all communications between the Attorney Advisor and any members of JAD.<sup>4</sup>

d. Attorney Advisors are not authorized to digitally sign or otherwise sign correspondence, including emails, for other Attorney Advisors.

(1) Pursuant to section 2-2.5 of reference (c), delegation of signature authority can only be made to military and civilian “subordinates.” Further, delegation must be made in writing and signed by the person delegating the authority. Delegation must be made via delegation letter and will describe the scope of the delegation. An individual who signs correspondence under this delegated authority must sign using the term “By direction” typed below their name when signing documents under delegated authority.

(2) Under section 2-2.6 of reference (c), only “Commanders/commanding officers/officers in charge or civilian equivalents” can authorize the use of an electronic signature that replicates their signature if personal signing of the relevant correspondence “is impractical or the correspondence is of a routine nature.” Personnel authorized to use a signature stamp of someone else’s signature shall pen their initials next to each signature they stamp to authenticate the stamp. Safeguard signature stamps from unauthorized use.

5. Admin and Logistics

a. Travel. All members of the DSO and all DSO offices will coordinate with their respective Legal Services Support Section (LSSS) to ensure that the Attorney Advisors visits are supported logistically and all official travel is budgeted for in a timely, equitable manner.

(1) As discussed, the Attorney Advisors provide support to two distinct regions each, four regions in total; consequently, travel is required. The purpose for the travel is to provide requested case consultations, training, or other services requested by the respective RDC or SDC.

(2) Attorney Advisor West provides support to the Western and Pacific regions. Generally, Attorney Advisor West will travel to the following DSO branch offices at least:

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<sup>3</sup> Logical and necessary exceptions to this rule exist. For example, if an Attorney Advisor wishes to communicate a grievance against an RDC or if the communications pertain to personal matters that the Attorney Advisor wishes to communicate directly to the CDC.

<sup>4</sup> Logical and necessary exceptions to this rule exist. For example, if an Attorney Advisor wishes to communicate a grievance against the CDC or if the communications pertain to personal matters that the Attorney Advisor wishes to communicate directly to a member of JAD.

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- (a) MCB Camp Pendleton as necessary pursuant to the DSO mission.
- (b) MCAS Miramar 12 times per calendar year.
- (c) MCAGCC 29 Palms 8 times per calendar year.
- (d) MCAS Yuma 4 times per calendar year.
- (e) MCB Hawaii 1 time per calendar year.
- (f) MCB Camp Foster 1 time per calendar year.

(3) Attorney Advisor East provides support to the Eastern and National Capital regions. Generally, Attorney Advisor East will travel to the following branch offices at least:

- (a) MCB Camp Lejeune as necessary pursuant to the DSO mission.
- (b) MCAS Cherry Point 12 times per calendar year.
- (c) MCRD Parris Island 4 times per calendar year.
- (d) MCB Quantico 4 times per calendar year.

(4) Travel Funding. Generally, all official travel costs to these installations for training and case consultation will be covered by the LSSS region receiving Attorney Advisor services. Regarding assistance for a specific court-martial, the relevant convening authority will cover all travel costs associated with Attorney Advisor services. If the respective convening authority refuses to provide funding, the LSSS region receiving Attorney Advisor services will cover the costs. If a particular LSSS or, in the case of courts-martial, the convening authority, refuses to fund authorized and necessary travel, the OIC DCAP will be notified. Failure to do so may result in denial of requests for reimbursement of incurred travel expenses.

(5) Travel Logs. All relevant Defense Travel Services (DTS) documents associated with Attorney Advisor travel will be maintained by the Attorney Advisors and is subject to inspection under CDC Policy Memo 1.4A. For all travel within regions not requiring use of DTS,<sup>5</sup> Attorney Advisors will create a travel log. Enclosure (2). At the completion of travel, Attorney Advisors will sign their travel logs and submit them via encrypted government email to the OIC DCAP and the DSO Chief. Copies of the logs will be maintained by the respective Attorney Advisor and are subject to inspection under CDC Policy Memorandum 1.4A.

b. CDC Shared Drive Access. Due to digital storage limitations, personally identifiable information, and attorney/client privilege concerns, unfettered access and permissions within the CDC Shared Drive are not authorized. Attorney Advisors have access to the training folder only. If additional documents or access are needed in order to accomplish the mission, Attorney Advisors will make a formal request to the OIC DCAP.

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<sup>5</sup> Attorney Advisor West travel to Camp Pendleton and MCAS Miramar and Attorney Advisor East travel to MCAS Cherry Point.

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6. Violations. Violations of the specific prohibitions and requirements of this Memorandum may result in punitive and/or administrative consequences.

7. Conclusion. The Position Descriptions for Attorney Advisor East and Attorney Advisor West will be updated as soon as practical. CDC PM 4.2 is hereby cancelled and this CDC Policy Memo is effective immediately.

  
W. N. PIGOTT

Distribution:  
SJA to CMC  
Legal Chief of the Marine Corps  
All Marine Corps SJAs  
LSSS OICs  
LSST OICs  
All Members of the DSO

**Attorney Advisor East – Eastern Region Case Consultation Log  
(Camp Lejeune, MCAS Cherry Point, MCRD Parris Island)**

<b>Date</b>	<b>Case</b>	<b>Counsel</b>	<b>Hours</b>	<b>Description</b>

**Attorney Advisor Signature:**

**Attorney Advisor Signature:** Susan Clemens **Date:**

**Attorney Advisor East – National Capital Region Case Consultation Log  
(MCB Quantico)**

Date	Case	Counsel	Hours	Description

**Attorney Advisor Signature:**

**Attorney Advisor Signature:** Susan Clemens **Date:**

**Attorney Advisor West – Pacific Region Case Consultation Log  
(Camp Foster, MCAS Iwakuni, MCB Hawaii)**

Date	Case	Counsel	Hours	Description

**Attorney Advisor Signature:**

**Attorney Advisor Signature:** Kathleen Coyne **Date:**



**Attorney Advisor West – Western Region Case Consultation Log  
(Camp Pendleton, MCAS Miramar, MCAGCC 29 Palms, MCAS Yuma)**

Date	Case	Counsel	Hours	Description

**Attorney Advisor Signature:**

**Attorney Advisor Signature:** Kathleen Coyne **Date:**

# DSO Attorney Travel Logs

Dates	Location	Purpose and Accomplishments

**Attorney Advisor Name:**

**Attorney Advisor Signature:**

**Date:**