



DEPARTMENT OF THE NAVY

OFFICE OF THE JUDGE ADVOCATE GENERAL

200 STOVALL STREET

ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO  
JAGINST 1500.4  
NJS.ARP  
14 FEB 1992

JAG INSTRUCTION 1500.4

From: Judge Advocate General

Subj: JAG CORPS TRAINING PROGRAM

Ref: (a) SECNAVINST 5430.27A, Subj: Responsibility of the Judge Advocate General for Supervision of Certain Legal Services  
(b) JAGINST 1500.1 (series), Subj: Professional Development Program

Encl: (1) Training Plan: Structure and Methodology  
(2) Professional Baseline Military Training Plan for New Accession and First-Term Judge Advocates  
(3) Professional Baseline Training Plan for New Accession and First-Term Judge Advocates  
(4) Professional Baseline Training Plan for Mid-Career Judge Advocates  
(5) Professional Baseline Training Plan for Senior Judge Advocates  
(6) Professional Baseline Training Plan for LDO (Law) Personnel  
(7) Professional Baseline Training Plan for Legalmen  
(8) Civilian Employee Baseline Training Plan  
(9) Specialized Training Plan  
(10) Professional Development Program (PDP) Plan  
(11) Personnel Qualification Standards (PQS)  
(11a) Trial Counsel Training Objectives  
(11b) Defense Counsel Training Objectives  
(11c) Legal Assistance Attorney Training Objectives  
(11d) NLSO Claims Attorney Training Objectives  
(11e) Command Services Attorney Training Objectives  
(11f) Appellate Defense Counsel Training Objectives  
(11g) Appellate Government Counsel Training Objectives  
(11h) First-Term Lieutenant Training Objectives  
(11i) JAG Corps Accession Shipboard Training Manual  
(12) Prospective Commanding Officer Training Plan  
(13) Prospective Executive Officer Training Plan  
(14) Prospective Senior Staff Judge Advocate Training Plan  
(15) Individual Training Record

1. Purpose. To promulgate policy, prescribe procedures, and assign responsibilities for implementing a training program designed to ensure the delivery of high-quality legal services.

2. Applicability. This instruction applies to all active-duty Navy judge advocates (JA), limited duty officers (LDO) (Law), legalmen (LN), and all OJAG and LEGSVCCOM civilian employees, hereinafter referred collectively to as "JAG personnel."

3. Background. A Senior Leadership Conference attended by representatives of the various naval legal service communities (JA, LDO (Law), LN) was held at the Naval Justice School during 16-20 September 1991 to generate collective input for the training plan. This instruction implements the recommendations of that conference and establishes a comprehensive training program for all JAG personnel throughout their careers to ensure the continuing provision of the highest quality legal services to individual and command clients. This training program is contained in enclosures (1-15). It is an ongoing program that will be regularly reviewed and updated.

4. Policy

a. The training program implemented by this instruction is intended to be a step in an evolving process of planning for and administering training. We must continually improve this training program to contribute to the achievement of the highest quality legal services.

b. All JAG personnel are expected to engage in ongoing efforts to enhance their own and their subordinates' professional development and to participate in efforts designed to improve the process of planning for and administering training.

5. Training Objectives

a. General: The goal of the Training Program for all JAG personnel is to ensure career-long professional development, maintenance of professional qualifications, and continuing readiness to deliver the highest quality legal services. The structure and methodology of this program are described in enclosure (1).

b. Specific: "Baseline training" is training that is essential to the professional and career development of all members of a legal community without regard to special areas of expertise or the special requirements of any particular billet. Specific baseline program objectives for separate categories of JAG personnel are:

(1) **PHASE I (0-5 years service) JUDGE ADVOCATE BASELINE TRAINING GOAL:**

To integrate the new judge advocate into the Navy community so that each judge advocate will:

- Maintain the highest standards of personal integrity and professional conduct, responsibility, and accountability;
- develop a sense of duty and obligation to support the Navy's mission, subordinating self to mission accomplishment;
- develop the knowledge, skills, and self-confidence to represent the JAG Corps, the command, and individual clients; and
- accept and adopt the Navy's standards of personal integrity and conduct required of its officer corps, including: proper grooming, military courtesy, naval customs and etiquette, knowledge of the chain of command and naval organization.

Chartering premises and intermediate goals regarding baseline training for this category are included in enclosures (2) and (3).

(2) **PHASE II (6-15 years) JUDGE ADVOCATE BASELINE TRAINING GOAL:**

To train mid-career judge advocates to perform effectively duties of increasing difficulty and complexity by requiring:

- Continued career growth;

- increased legal and military and professional knowledge and skills;
- acquisition of sufficient subject-matter expertise to qualify for a subspecialty or the equivalent thereof;
- understanding of DON and DOD mission, organization, and programs;
- enhanced leadership and management skills; and
- increased awareness of the requirement for accountability, responsibility, and prudent personal behavior.

Chartering premises and intermediate goals regarding baseline training for this category are included in enclosure (4).

**(3) PHASE III (15+ years) JUDGE ADVOCATE BASELINE TRAINING GOAL:**

To train senior judge advocates to:

- Serve in the most demanding billets within the CNLSC, the naval service, JCS, and DOD;
- provide the highest quality legal and policy advice to the Secretaries concerned, the fleet, and major commands; and
- demonstrate highly effective leadership and management while serving in any billet, with a particular emphasis on command billets.

Chartering premises and intermediate goals regarding baseline training for this category are included in enclosure (5).

**(4) LDO (LAW) BASELINE TRAINING GOAL:**

To enable the LDO (Law) to:

- Complete the successful transition from enlisted status to a fully functional naval staff corps officer within the legal community; and
- improve continuously the LDO (Law)'s military, legal, administrative, and managerial knowledge and skills to meet effectively the challenges of increased responsibility and authority.

Chartering premises and intermediate goals regarding baseline training for this category are included in enclosure (6).

**(5) LEGALMAN BASELINE TRAINING GOAL:**

To provide the necessary technical, administrative, professional, leadership, and management training to enable legalmen to perform effectively their duties at ever-increasing levels of difficulty as they progress through identified career path billets.

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Chartering premises and intermediate goals regarding baseline training for this category are included in enclosure (7).

**(6) CIVILIAN EMPLOYEE BASELINE TRAINING GOAL:**

To provide civilian employees with the necessary technical, administrative, professional, leadership, and management training to improve performance of current duties and to provide planned career development opportunities.

Chartering premises and intermediate goals regarding baseline training for this category are included in enclosure (8).

**6. Action**

a. Commanding Officer, Naval Justice School as special assistant for training (JAG 005) shall:

(1) Maintain oversight management and responsibility for all formal training of JAG personnel.

(2) Recommend to the Judge Advocate General and Commander, Naval Legal Service Command such procedures, reports, and instructions as may be necessary to fulfill properly the responsibilities stated in paragraph 6. a. (1), no later than the end of fiscal year 1992. Such recommendations shall include, at a minimum, procedures for (a) an annual training report for the completed fiscal year, and (b) an annual master plan for the upcoming year.

(3) Develop, update, and implement core instructional programs, after appropriate consultation and in accordance with the parameters of the relevant chartering premises, for each training requirement identified in enclosures (2)-(9) and (12)-(14), no later than the end of fiscal year 1992.

(4) Develop and implement such additional instructional programs as may be recommended by the Judge Advocate General based upon the requirements of reference (a) or the recommendation of the Quality Management Board.

b. Commander, Naval Legal Service Command shall monitor the implementation and management of this training plan by his subordinate commands and shall keep the Judge Advocate General apprised of the progress made by these commands pursuant to this instruction.

c. Commanding officers of naval legal service offices shall:

(1) Establish and implement regional training plans which supplement the core programs developed at the Naval Justice School, consistent with the Professional Development Plans created pursuant to reference (b) and based on enclosure (10), and consistent with the Personnel Qualification Standards program required by enclosure (11), no later than 30 April 1992;

(2) emphasize to all hands the importance of continued training in the provision of quality legal service and ensure maximum participation in the Training program;

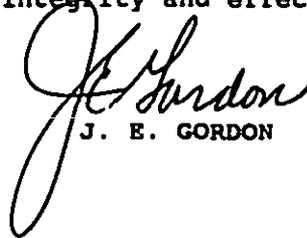
(3) administer training funds in accordance with the requirements of this instruction; and

(4) maintain accurate records of all mandated training conducted pursuant to this instruction, submitting reports as required.

d. Training Coordinator for OJAG (JAG 001T) shall establish and implement a PDP and PQS program under this instruction and JAG/CNLSC Instruction 1500.3 (series) for JAG personnel assigned to OJAG, Naval Civil Law Support Activity, Navy-Marine Corps Appellate Review Activity (NAMARA), Headquarters Naval Legal Service Command (NLSC), and Navy-Marine Corps Court of Military Review (NMCMR).

7. Reports. All training instruction is to be recorded in the Individual Training Record (ITR) of the individual concerned. The format for the ITR is provided in enclosure (15). The ITR will be updated by the individual judge advocate or LDO as training occurs and will be retained at the local command. Annual reports detailing the status of individual JA or LDO ITR's will be provided no later than 30 September by the local command to the Judge Advocate General (Code 61) and to the Naval Justice School. ITR's for LN's and civilians are not required and reporting is not desired.

8. Review. This instruction will be reviewed and recommended changes submitted no later than the end of each fiscal year. This review will be conducted by a Quality Management Board composed of a standing committee of the Deputy Judge Advocate General; JAG01, JAG02, JAG06, JAG001T; commanding officers of the Naval Justice School, NLSO Norfolk, and NLSO San Diego; JAG61; JAG63; Operations Director of the Naval Justice School; CINCPACFLT and CINCLANTFLT JA's; and such additional members as may be designated by the Judge Advocate General to ensure the integrity and effectiveness of the program.



J. E. GORDON

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**TRAINING PLAN:  
STRUCTURE AND METHODOLOGY**

The Training Plan organizes training requirements by career phase during which certain training is to be provided, legal community to be instructed, and types of training to be provided. Chartering premises (underlying assumptions) and specific goals have been articulated for each segment of the plan. They appear in the enclosures to the instruction.

a. Career phases. The plan recognizes that the training requirements for individuals should change as their time in service increases. It therefore considers the careers of military members of each JAG community -- judge advocate, limited duty officer, and legalman -- in three phases and identifies baseline training needs for each phase. Civilian baseline training is addressed specifically in enclosure (8). Enclosures (2) through (9) contain the baseline training plans.

b. Community to be instructed. The plan distinguishes the training needs of the various legal communities -- judge advocate, limited duty officer, legalman, and civilian -- but recognizes that certain types of training, such as some professional development training modules, are appropriate for all JAG personnel.

c. Types of training. The plan recognizes that certain training programs already exist and that other programs must be developed.

(1) Existing programs which are continued under the plan include General Military Training (GMT), pursuant to OPNAVINST 1500.22 (series), and Professional Development Program (PDP) training. These programs are addressed in enclosures (2) and (10).

(2) To enhance the level of individual performance, identify specific training objectives for defined billets, and make JAG training analogous to that provided in the fleet, Professional Qualification Standards (PQS) have been adopted for trial counsel, defense counsel, legal assistance attorney, claims attorney, command services attorney, NAMARA appellate defense attorney, NAMARA appellate government attorney, and the first-term/accession judge advocate. They are contained in enclosures (11a-11i).

(3) To ensure proper career development and readiness to meet specific requirements of more senior billets, additional formal courses must be instituted (e.g., Prospective Commanding Officer/Executive Officer and Prospective Senior Staff Judge Advocate). Enclosures (12), (13), and (14) pertain.

d. General sources of training. The plan contemplates Naval Justice School, individual command programs, and civilian continuing legal education programs as primary training sources.

PROFESSIONAL BASELINE MILITARY TRAINING PLAN FOR  
NEW ACCESSION AND FIRST-TERM JUDGE ADVOCATES

CHARTERING PREMISE

The effectiveness of every judge advocate is enhanced by military professionalism which, among other things, encompasses basic knowledge about the organization, missions, and functions of DOD, DON, other services, and joint operations; expertise in staff work; and strict adherence to uniform standards and military traditions.

Reliance on Officer Indoctrination School (OIS) for the initial formal training of student program and direct appointment officers will continue. Naval Justice School will supplement this training to the maximum extent practicable.

GOALS

The principal goal should be integration of the new judge advocate into the Navy community. Integration requires that the officer internalize the Navy's goals, standards of personal integrity, and officer performance standards. The training regime should inculcate judge advocates with the minimum standards in grooming, military courtesy, knowledge of the chain of command and naval organization, etiquette and sense of accountability to feel confident about themselves, to represent the JAG Corps and to know, understand, and effectively represent their clients. The new officer must accept responsibility and develop a sense of duty/obligation to support the Navy's mission, subordinating self to mission. The officer must have a commitment to achieve the highest standards.

A corollary goal at the initial stage of a judge advocate's career is to train the judge advocate to produce professional legal services which meet or exceed the requirements of the naval service. The core instructional training program in this category will include:

- Maximum use of TEMAC assignments prior to completion of law school and while awaiting bar examination results
- Adding JAGC student officers to the mailing lists of Off the Record and the Naval Law Review
- PQS checklist for use by the officer during "Lawyer at Sea" training and temporary active-duty assignments at

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- "Lawyer at Sea" training
- Accession training at Norfolk, Virginia
- Total Quality Leadership (TQL) training
- Officer Indoctrination School
- Naval Justice School Lawyer Course
- Naval Justice School Staff Judge Advocate (SJA) Course
- Post-TAP Course (when applicable)
- General Military Training (GMT) pursuant to OPNAVINST 1500.22 (series)
- Naval Orientation Correspondence Course (NAVEDTRA 86138)
- Other correspondence courses

PROFESSIONAL BASELINE TRAINING PLAN FOR  
NEW ACCESSION AND FIRST-TERM JUDGE ADVOCATES

CHARTERING PREMISE

Every judge advocate, regardless of expertise, experience, or past, present, or expected future duty assignments, should receive baseline training at various points in a naval career. This training should prepare the individual for the future leadership, management, and legal challenges he will encounter. It should balance JAG Corps, Navy, and individual needs.

GOAL

To train judge advocates to produce professional legal services in those billets normally encountered by first- and second-tour judge advocates. Professional legal services are those which meet or exceed the requirements of the naval service.

The core instructional training program in this category will include:

- One-track training for all judge advocates, whether selected for the Targeted Augmentation Program (TAP) or not
- Naval Justice School Lawyer Course
- Naval Justice School Staff Judge Advocate (SJA) Course
- Post-TAP Course (when applicable)
- TQL training
- General orientation to all areas of legal service provided by the naval legal service offices
- Advanced trial advocacy (e.g., NITA) training
- Legal Assistance Attorney Course
- Briefing Skills training

PROFESSIONAL BASELINE TRAINING PLAN FOR  
MID-CAREER JUDGE ADVOCATES

CHARTERING PREMISE

Every Judge advocate, regardless of expertise, experience, or past, present, or expected future duty assignments, should receive baseline training at various points in a naval career. This training should prepare the individual for the future leadership, management, and legal challenges he will encounter. It should balance JAG Corps, Navy, and individual needs.

GOALS

To enable mid-career naval judge advocates to perform their duties effectively by training them in DOD/DON mission, organization, and programs; by enhancing their knowledge and skills in the areas of the law, leadership, and management; and by reinforcing prudent personal habits.

The core instructional training program in this category includes:

- TQL training
- Post-04 Selection Course
- Department Head Course
- Post-05 Selection Course
- JAG/OGC environmental law training
- CNET/NWC correspondence course
- Postgraduate education program
- National Judicial College courses
- SJA Course
- Advanced trial advocacy (e.g., NITA) training
- Law of Military Operations training
- JAGMIS/office automation training
- Billet-specific (pipeline) training

PROFESSIONAL BASELINE TRAINING PLAN FOR SENIOR JUDGE ADVOCATES

CHARTERING PREMISE

Every judge advocate, regardless of expertise, experience, or past, present, or expected future duty assignments, should receive baseline training at various points in a naval career. This training should prepare the individual for the future leadership, management, and legal challenges he will encounter. It should balance JAG Corps, Navy, and individual needs.

GOAL

Enhance the professional development of O-5/O-6 judge advocates to provide quality legal services to the Secretary and fleet, with emphasis on leadership and management.

The core instructional training program in this category includes:

- TQL training
- Senior Management training
- Naval War College or equivalent
- Specialized Post-06 Selection Course
- Billet-specific (pipeline) training

PROFESSIONAL BASELINE TRAINING PLAN FOR LDO (LAW) PERSONNEL

CHARTERING PREMISE

Every LDO, regardless of expertise, experience, or past, present, or expected future duty assignments, should receive baseline training at various points in a naval career. This training should prepare the individual for the future leadership, management, and legal challenges he will encounter. It should balance JAG Corps, Navy, and individual needs.

GOALS

To effect the transition of the LDO (Law) from enlisted status to a fully functional naval staff corps officer within the legal community by means of a three-tiered plan, with training developed for each of the following career phases: 0-4 years; 5-10 years; and 11+ years. To continue to increase all levels of skills and assigned duties and to make optimum use of LDO (Law) assets in positions of increased responsibilities and authority.

The core instructional training program in this category will include:

Phase I (0-5 years)

- LDO Indoctrination Course
- LMET
- Naval Justice School Lawyer Course
- Budget/Supply Management Course
- Civilian Personnel Management Course

Phase II (6-14 years)

- Senior Management Course
- Civilian educational degree completion

Phase III (15 years to retirement)

- Senior Management Course (post-04 selection)
- Postgraduate education

## PROFESSIONAL BASELINE TRAINING PLAN FOR LEGALMEN

### CHARTERING PREMISE

Every legalman, regardless of expertise, experience, or past, present, or expected future duty assignments, should receive baseline training at various points in a naval career. This training should prepare the individual for the future leadership, management, and legal challenges he will encounter. It should balance JAG Corps, Navy, and individual needs.

### GOALS

The goal of this plan during the early stage (LN conversion - 6 years) of the LN career is to provide the necessary training to perform legal functions under the direction of a senior LN. During the middle stage (6 - 14 years), the goal is to continue to enhance the basic expertise gained during the early phase in order to prepare the LN for independent-duty billets, senior LN billets in SJA offices, and as the LPO/LCPO at the NLSO level. A corollary goal is to provide advanced computer training in this stage. During the late stage (15 years - retirement), the goal is to enhance management and leadership capabilities.

The core instructional program in this category will include:

- Twelve-week LN course at the Naval Justice School
- Specialized (legal assistance/claims) training
- Command-level PDP
- Independent-duty LN Course
- Advanced ADP Course
- TQL training
- Senior LN Management/Leadership Course

**CIVILIAN EMPLOYEE BASELINE TRAINING PLAN**

**(Reserved for future use)**

**Author's note:** Provisions for civilian employee training have been made in enclosure (10) and will be in accordance with OCPM INST 12410.1 (series). The effectiveness of this plan should be examined by the members of the Quality Management Board prior to the Board's annual review of the TQT Program.

**SPECIALIZED TRAINING PLAN**

**(Reserved for future use)**

**Author's note:** The need for specialized training is recognized and provisions for such training have been made in various enclosures. This area should be examined by the members of the Quality Management Board prior to the Board's annual review of the TQT Program.

**PROFESSIONAL DEVELOPMENT PROGRAM (PDP) PLAN**

**CHARTERING PREMISE**

NLSO's (as well as OJAG and SJA's) should have PDP plans containing common goals and objectives designed to accomplish necessary training for judge advocates, LDO's, LN's, and civilian employees.

**GOALS**

Enhance individual performance and professionalism while meeting or exceeding all customer expectations, satisfying CLE and all other continuing training requirements, and preparing all persons for promotion.

Ensure accurate records of individual training are maintained to monitor professional development and promote more effective utilization of all JAG personnel assets in their billet assignments.

The core PDP training plan will apply to JAG personnel as indicated and will contain the following areas and subjects:

1. Standards of Conduct - All
  2. Professional Ethics - All
  3. Leadership - All
  4. Evidence - LDO, JA
    - Presentencing Evidence
    - Documentary Evidence
    - Confessions
    - Expert Testimony
    - Witness Credibility (Direct/Cross-Examination)
  5. Claims - All
    - Claims for the Government
- FCCA, MCRA, Carrier Recovery

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- Claims against the Government
  - FTCA, MCA, PCA, Admiralty
- 6. Military Personnel Separations - LDO, JA, LN
- 7. Civilian Personnel / Discipline - All
- 8. Detachments for Cause - LDO, JA, LN
- 9. BCNR / Article 138 Complaints - LDO, JA, LN
- 10. JAGMAN Investigations - LDO, LN, JA
- 11. Post-trial Review and Appellate Process - All
- 12. LOD / Misconduct Determinations - LDO, LN, JA
- 13. Fraternalization - All
- 14. Legal Assistance - All
  - Will Preparation & Estate Planning
  - Domestic Relations
  - Consumer Affairs / Financial Matters
- 15. Family Advocacy - All
- 16. Freedom of Expression - All
- 17. Substance Abuse Policy - All
  - Methods of Identification
  - Methods of Treatment
  - Types of Discipline
- 18. Speedy Trial - LDO, JA, LN
- 19. Sexual Harassment - All
- 20. Pretrial Agreements - LDO, LN, JA
- 21. Personal Liability - All
- 22. Soldiers' and Sailors' Civil Relief Act - All
- 23. Crimes and Defenses - LDO, JA, LN

- Common Law Felonies
  - Military Related Offenses
  - General Defenses
  - Specific Defenses
24. OPLAW / Law of Armed Conflict - JA
  25. FOIA / Privacy Act / Release of Official Information - All
  26. ADP - All
    - Initial (WPC Techniques, E-Mail, ADP Security)
    - Intermediate (D-Base Management and Use, including JAGMIS)
    - Advanced (Graphics Production)
  27. Environmental Law - JA
  28. NJP - LDO, LN
  29. DOD / DON Organization - All
  30. Health Law - LDO, JA
  31. Law Library / Research - All
  32. Career Planning - LDO, LN, JA
  33. Relations With Civil Authorities - All
  34. Physical / Personnel Security (COMSEC) - All
  35. Drafting Charges / Pretrial Procedures - LDO, JA, LN
  36. Search and Seizure - LDO, JA, LN
  37. History / Structure of JAG Corps (includes LN / LDO) - All
  38. Division Officer Responsibilities - LDO, JA, LN
  39. Officer and Enlisted Distribution Systems - LDO, JA, LN
  40. Supply Management - LN, LDO
  41. Budget / Fiscal - All

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- 42. CPR / First Aid - All
- 43. EEO - All
- 44. Suicide Prevention - All
- 45. Bomb Threats - All
- 46. Administration - All
  - Naval Correspondence (including message formatting and writing)
  - Service Record Composition (Navy, MC, CG)
  - Records / Files Maintenance and Disposal
  - Naval Security Manual (handling classified material)
  - Directives
  - Corrections Administration (confinement / release orders, good time)
- 47. ADP - All
  - Advanced Level WP training (including macros / merge documents)
  - JAGMIS
  - Communications (E-Mail and RBBS)
- 48. Clemency and Parole - LN
- 49. Appellate and Administrative Leave - LN
- 50. Court Reporting / Transcription - LN
- 51. Prudent Personal Habits - All (including physical wellness, stress management, time management, nutrition, finances)

NOTE: While there is no JAG-mandated continuing legal education (CLE) requirement established by this directive, items 1, 2, and 3 are subjects of instruction which must be taught annually in the course of PDP training.

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The naval legal service offices will serve as area training coordinators for their geographic areas of responsibility. Reference (f) pertains. PDP training will be administered by the executive officers of the respective NLSO's and JAG (001T) in accordance with the following model training plan:

A two-year cycle consisting of four hours per month (48 hours per year) that will include the following:

**STANDARDS OF CONDUCT**

(2 hours per year -- 4 hours per PDP training cycle)

**PROFESSIONAL ETHICS**

(2 hours per year -- 4 hours per PDP training cycle)

**LEADERSHIP**

(2 hours per year -- 4 hours per PDP training cycle)

The remainder of PDP training (42 hours per year) may be taken from the core PDP curriculum or any other source.

## PERSONNEL QUALIFICATION STANDARDS (PQS)

### CHARTERING PREMISES

Every new judge advocate, after graduation from the Basic Lawyer Course at NJS, will be required to complete PQS in connection with accession at-sea training.

Every NLSO will have PQS for first-term judge advocates who are assigned to perform trial counsel, defense counsel, claims processing, legal assistance, and command services functions. New judge advocates assigned to NAMARA will also complete PQS. PQS will be accomplished during the initial three-year tour of duty.

Other beneficial applications of PQS may exist in furtherance of the accomplishment of baseline and billet-specific training goals (e.g., during TEMAC assignments prior to attending the Basic Lawyer Course at NJS) and in certain billets following initial NLSO assignment (e.g., independent SJA duty and at OJAG).

### GOALS

To ensure rapid exposure to, and understanding of, the fundamental composition of the military structure and clientele.

To facilitate early professional development in order to provide more effective legal services.

Goals for specific functional areas are contained in the check-off lists provided as enclosures (11a - 11i).

The PQS Program encompasses both professional development and military professionalism. It will be administered for their permanently assigned personnel and TEMAC/TEMADDU personnel by the commanding officers of the naval legal service offices, OJAG Division Directors, JAG 001T, and by the directors of the appellate divisions of NAMARA. These individuals are responsible for ensuring that PQS is properly recorded in an individual's ITR. The individual is responsible for aggressively seeking to maximize the amount of PQS accomplished in the area in which he is practicing (i.e., trial counsel, legal assistance attorney, etc.). The program establishes certain minimum standards for PQS; only accomplishment of these minimum standards will be recorded in an ITR. Minimum standards are identified by an asterisk (\*)

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on the check-off lists; the remaining standards are to be used by appropriate supervisors as management tools in helping to determine future assignments and in assessing professional development.

NOTE: These professional qualification standards are not prerequisites for assignment to any professional role (including assignment as trial or defense counsel) as a judge advocate. Those judge advocates who have completed NJS and have been certified in accordance with Article 27(b) of the UCMJ are fully qualified to perform trial, defense, and other judge advocate functions without regard to their PQS accomplishment.

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## TRIAL COUNSEL TRAINING OBJECTIVES

### TRAINING GOAL

To prepare a trial counsel for the effective professional representation of the Government in a contested felony trial before a general court-martial with members.

### TRAINING CORE AREAS

Rules of court  
Charge sheet preparation  
Pretrial stage  
Motion practice  
Pretrial agreements / guilty pleas  
Trial preparation  
Rules of Evidence  
Conduct of contested trial  
Members' cases  
Post-trial duties

### RULES OF COURT / PRACTICE

- \* - Demonstrate thorough knowledge of trial counsel duties listed in the MCM
- \* - Demonstrate thorough knowledge of the local judicial circuit rules of court

### CHARGE SHEET PREPARATION

- \* - Draft all possible charges from a given set of facts in an incident report or an NIS Report of Investigation
- Identify defects from a list of sample defective specifications
- Demonstrate an understanding of the difference between fatal and harmless variance; provide examples of each
- \* - Ensure a charge sheet reflects proper preferral, referral, and service of charges

### PRETRIAL STAGE

- \* - Demonstrate ability to identify, obtain, and screen for accuracy basic documentary evidence

Encl (11a)

- Interview essential witnesses based upon a given incident report / NIS ROI, including (if available)
  - law enforcement officials
  - scientific experts
  - character witnesses
- Demonstrate an understanding of the purpose and use of an R.C.M. 802 conference
- Demonstrate ability to obtain military witnesses
- Demonstrate ability to subpoena and fund civilian witnesses
- Respond to a request for production of defense witness(es) at Government expense
- Demonstrate an understanding of the rules and current appellate case law applicable to discovery; respond to a defense discovery request
- Demonstrate ability to communicate with convening authority on basic expectations, duties, and status of trial

#### MOTION PRACTICE

- \* - Determine burden of proof / burden of producing evidence
- \* - Demonstrate an understanding of rules concerning requirements for notice, time for filing, and service on opposing counsel
- Identify specific nature of motion; i.e., motion to dismiss, motion for appropriate relief, etc.
- Demonstrate an understanding of format for preparation of written briefs
- Demonstrate ability to cite and distinguish applicable case law and to explain interpretation and application of specific R.C.M. provisions to specific case
- Develop logical written and oral argument
- Demonstrate an understanding of rules governing interlocutory appeal of MJ's ruling
- Demonstrate an understanding of rules/law concerning special and essential findings

**PRETRIAL AGREEMENT / GUILTY PLEAS**

- \* - Demonstrate a thorough knowledge of R.C.M.'s and current appellate case law applicable to pretrial agreements
- Negotiate a pretrial agreement from proposal to signature
- Demonstrate an understanding of conditional pleas
- Demonstrate an understanding of scope and advantages of permissible ancillary provisions in pretrial agreements

**TRIAL PREPARATION (PROCEDURE)**

- Ensure that the military judge is properly informed of charges, pleas, motions, forum, and potential issues in sufficient time before trial
- Ensure bailiff is trained, in uniform, and aware of duties
- Ensure all parties and witnesses are informed of uniform and time/date of trial
- Ensure court reporter is assigned and aware of duties
- Ensure courtroom is prepared for trial
- Demonstrate knowledge of various oaths applicable to courts-martial
- \* - Demonstrate effective preparation and use of trial notebook

**TRIAL PREPARATION (SUBSTANCE)**

- Demonstrate ability to develop logical theory of the case
- Demonstrate ability to prepare material witness for direct examination from given factual scenario
- Demonstrate ability to prepare material witness for cross-examination from given factual scenario
- Demonstrate thorough understanding of evidence required to prove each element of an offense (including intent and/or knowledge elements) from given factual scenario
- Identify potential affirmative defenses from given factual scenario

**RULES OF EVIDENCE**

- Identify the rule concerning limited admissibility of evidence and provide examples of its applicability
- Identify the rule governing pretrial admissions and confessions of an accused and discuss circumstances under which such statements are inadmissible
- Define relevant evidence and discuss the rules of relevancy
- Discuss MRE 403 concerning the MJ's discretion to exclude relevant evidence; discuss what factors should be considered in the MRE 403 balancing test
- Discuss MRE 404(b) and the kind of evidence that may be admitted under this rule; discuss the relationship between MRE's 403 and 404(b)
- Identify and discuss the rule concerning character evidence and the methods of proving good and bad character
- Identify and discuss the rule governing the impeachment of witnesses
- Discuss the methods by, and the restrictions under, which the credibility of witnesses may be attacked
- Discuss the limits on the scope of cross-examination
- Discuss when direct examination with leading questions is permissible
- Discuss the admissibility of opinion testimony by lay witnesses
- Discuss the basis for expert testimony
- Lay an appropriate foundation for the testimony of a scientific expert witness
- \* - Define what hearsay is and the rule regarding its admissibility; provide examples of out-of-court statements that are not hearsay
- Lay an appropriate foundation for the admissibility of evidence falling within the following hearsay exceptions:
  - Present sense impression
  - Excited utterance

- Then existing mental, emotional, and physical condition
- Recorded recollection
- Records of regularly conducted activity
- Public records and reports
  
- Identify the six situations in which a witness is unavailable
  
- Identify the five hearsay exceptions that apply once declarant unavailability is determined
  
- Provide examples of evidence that is self-authenticating under the MRE
  
- Discuss the type of evidence to which the original document rule applies
  
- Discuss when judicial notice can be utilized
  
- \* - Explain what types of evidence may be offered in aggravation
  
- Explain when uncharged misconduct is admissible in aggravation
  
- Explain when records of NJP and military and civilian convictions are admissible in aggravation
  
- Discuss the admissibility of character evidence during aggravation
  
- \* - Discuss the limitations on evidence of rehabilitation and potential for future service during sentencing phase

#### CONTESTED TRIAL PRACTICE

- Discuss the purposes of, and limitations on, opening statements; deliver an opening statement
  
- Discuss the purposes of, and limitations on, direct examination of witnesses; conduct direct examination of a material witness
  
- Discuss the purposes of, and limitations on, cross-examination of witnesses; conduct cross-examination of a material witness
  
- Discuss the considerations and limitations of cross-examining the accused; cross-examine an accused

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- \* - Demonstrate a thorough understanding of the procedures regarding the marking, handling, and submission of real and documentary evidence
- Discuss and demonstrate the use of demonstrative evidence in trial with the aid of a witness
- \* - Discuss and demonstrate how to establish a chain of custody for fungible evidence
- \* - Demonstrate ability to make and state proper objections to the admission of evidence in court
- Discuss the purposes of, and limitations on, closing arguments; deliver a closing argument (e.g., what facts may be included in a closing statement)
- Demonstrate ability to prepare a proper findings worksheet
- \* - Discuss and demonstrate a thorough understanding of the rules concerning multiplicity for findings and sentencing purposes
- Discuss when alternative theories may be submitted for findings
- Discuss and demonstrate an understanding of the rules concerning lesser included offenses
- Discuss and demonstrate an understanding of the limitations on evidence offered in extenuation and mitigation
- Demonstrate ability to prepare a sentencing worksheet
- Discuss the purposes of sentencing and a sentencing argument; deliver a sentencing argument

#### MEMBERS CASES

- Discuss the criteria for member selection by the convening authority
- \* - Discuss and demonstrate the objective of voir dire, including when individual voir dire should be conducted
- Demonstrate ability to prepare, distribute, and collect members' questionnaires; discuss the purpose of the questionnaire
- Discuss the correct order of seating of members

- Demonstrate an understanding of when an article 39(a) session should be called before and after assembly
- Demonstrate an understanding of the foundation required to establish challenge for cause; develop a basis for challenge for cause
- Demonstrate an understanding of routinely required instructions
- Demonstrate an understanding of when special instructions may be required based on the evidence before the court
- Demonstrate an understanding of the limitations on members discussing the case during and after trial

**POST-TRIAL DUTIES**

- \* - Discuss duties when the accused is sentenced to confinement
- \* - Demonstrate an understanding of the rules concerning reporting the results of trial
- \* - Recover and preserve evidence admitted in trial
- \* - Discuss and demonstrate trial counsel responsibility for the record of trial

## DEFENSE COUNSEL TRAINING OBJECTIVES

### TRAINING GOAL

To prepare a defense counsel for the effective professional representation of the accused in a contested felony trial before a general court-martial with members.

### TRAINING CORE AREAS

- Rules of court
- Charge sheet review
- Pretrial stage
- Motion practice
- Pretrial agreements / guilty pleas
- Trial preparation
- Rules of Evidence
- Conduct of contested trial
- Members' cases
- Post-trial duties
- Administrative hearings

### RULES OF COURT / PRACTICE

- \* - Demonstrate thorough knowledge of defense counsel duties listed in the MCM
- \* - Demonstrate thorough knowledge of the local judicial circuit rules of court

### CHARGE SHEET EXAMINATION

- \* - Demonstrate ability to recognize defective specifications and other errors in charge sheet preparation
- Demonstrate an understanding of the difference between fatal and harmless variance; provide examples of each

### PRETRIAL STAGE

- \* - Demonstrate ability to identify, obtain, and screen for accuracy basic documentary evidence
- Interview essential witnesses based upon a given incident report / NIS ROI, including (if available)
  - law enforcement officials
  - scientific experts
  - character witnesses

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- Demonstrate an understanding of the purpose and use of an R.C.M. 802 conference
- Justify a request for the production of defense witness(es) at Government expense
- Demonstrate an understanding of the rules and current appellate case law applicable to discovery; formulate and submit a defense discovery request
- \* - Discuss and demonstrate an understanding of the accused's fundamental rights before and during trial
- \* - Discuss and demonstrate an understanding of the considerations attendant to pretrial interrogation of the accused
- Discuss and demonstrate an understanding of the rules and law governing pretrial restraint and pretrial confinement
- Discuss the considerations involved in the initial interview with the accused
- Discuss the considerations involved in advising and controlling the client

#### MOTION PRACTICE

- \* - Determine the burden of proof and burden of producing evidence
- \* - Demonstrate an understanding of rules concerning requirements for notice, time for filing, and service on opposing counsel
- Identify specific nature of motion; i.e., motion to dismiss, motion for appropriate relief, etc.
- Demonstrate an understanding of format for preparation of written briefs
- Demonstrate ability to cite and distinguish applicable case law and to explain interpretation and application of specific R.C.M. provisions to specific case
- Develop a logical written and oral argument
- Demonstrate an understanding of rules governing interlocutory appeal of MJ's ruling

- Demonstrate an understanding of rules/law concerning special and essential findings

#### PRETRIAL AGREEMENT / GUILTY PLEAS

- \* - Demonstrate a thorough knowledge of R.C.M.'s and current appellate case law applicable to pretrial agreements
- Negotiate a pretrial agreement from proposal to signature
- Demonstrate an understanding of conditional pleas
- Demonstrate an understanding of scope and advantages of permissible ancillary provisions in pretrial agreements
- Demonstrate an understanding of the rights an accused waives in a standard pretrial agreement and guilty plea
- Demonstrate ability to effectively enter guilty pleas, including pleas by exceptions and substitutions and pleas to lesser included offenses
- Demonstrate ability to prepare thoroughly an accused to plead providently to:
  - a general intent offense
  - a specific intent or knowledge offense

#### TRIAL PREPARATION (PROCEDURE)

- Ensure that the military judge is properly informed of pleas, motions, forum, and potential issues in sufficient time before trial
- Ensure accused is informed of time/date of trial and is in proper uniform
- \* - Demonstrate effective preparation and use of trial notebook

**TRIAL PREPARATION (SUBSTANCE)**

- Demonstrate ability to develop logical theory of the case
- Demonstrate ability to prepare material witness for direct examination from given factual scenario
- Demonstrate ability to prepare material witness for cross-examination from given factual scenario
- Demonstrate thorough understanding of evidence required to prove each element of an offense (including intent and/or knowledge elements) from given factual scenario
- Identify potential affirmative defenses from given factual scenario

**RULES OF EVIDENCE**

- Identify the basic rule concerning admissibility of evidence and provide examples of its applicability and limitations
- \* - Identify the rule governing pretrial admissions and confessions of an accused and discuss circumstances under which such statements are inadmissible
- Define relevant evidence and discuss the rules of relevancy
- Discuss MRE 403 concerning the MJ's discretion to exclude relevant evidence; discuss what factors should be considered in the MRE 403 balancing test
- Discuss MRE 404(b) and the kind of evidence that may be admitted under this rule; discuss the relationship between MRE's 403 and 404(b)
- Identify and discuss the rule concerning character evidence and the methods of proving good and bad character
- Identify and discuss the rule governing the impeachment of witnesses
- Discuss the methods by which the credibility of witnesses may be attacked
- Discuss the limits on the scope of cross-examination

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- Discuss when direct examination with leading questions is permissible
- Discuss the admissibility of opinion testimony by lay witnesses
- Discuss the basis for expert testimony
- Lay an appropriate foundation for the testimony of a scientific expert witness
- \* - Define what hearsay is and the rule regarding its admissibility; provide examples of out-of-court statements that are not hearsay
- Lay an appropriate foundation for the admissibility of evidence falling within the following hearsay exceptions:
  - Present sense impression
  - Excited utterance
  - Then existing mental, emotional, and physical condition
  - Recorded recollection
  - Records of regularly conducted activity
  - Public records and reports
- Identify the six situations in which a witness is unavailable
- Identify the five hearsay exceptions that apply once declarant unavailability is determined
- Provide examples of evidence that is self-authenticating under the MRE
- Discuss the type of evidence to which the original document rule applies
- Discuss when judicial notice can be utilized
- \* - Explain what types of evidence may be offered in aggravation
- Explain when uncharged misconduct is admissible in aggravation
- Explain when records of NJP and military and civilian convictions are admissible in aggravation
- Discuss the admissibility of character evidence during aggravation

- \* - Discuss the limitations on evidence of rehabilitation and potential for future service during sentencing phase

#### CONTESTED TRIAL PRACTICE

- Discuss the purposes of, and limitations on, opening statements; deliver an opening statement
- Discuss the purposes of, and limitations on, direct examination of witnesses; conduct direct examination of a material witness
- Discuss the purposes of, and limitations on, cross-examination of witnesses; conduct cross-examination of a material witness
- \* - Discuss the considerations involved in the decision whether the accused should testify on the merits
- \* - Demonstrate a thorough understanding of the procedures regarding the marking, handling, and submission of real and documentary evidence
- Discuss and demonstrate the use of demonstrative evidence in trial with the aid of a witness
- Discuss and demonstrate how to establish and/or attack a chain of custody for fungible evidence
- \* - Demonstrate ability to make and state proper objections to the admission of evidence in court
- Demonstrate a clear understanding of the doctrine of waiver, specifically when issues of law are waived on appeal upon failure to object at trial
- Demonstrate an understanding of the grounds for a motion for a finding of not guilty
- Discuss the purposes of, and limitations on, closing arguments; deliver a closing argument (e.g., what facts may be included in a closing statement)
- Demonstrate ability to recognize a defective findings worksheet

- \* - Discuss and demonstrate a thorough understanding of the rules concerning multiplicity for findings and sentencing purposes
- Discuss when alternative theories may be submitted for the defense
- Discuss and demonstrate an understanding of the rules concerning lesser included offenses
- \* - Discuss and demonstrate an understanding of the admissibility of, and limitations on, evidence offered in extenuation and mitigation
- \* - Discuss the considerations in the accused testifying in the sentencing phase, offering an unsworn statement, or remaining silent
- Demonstrate ability to recognize a defective sentencing worksheet
- Discuss the purposes of sentencing and a sentencing argument; deliver a sentencing argument

#### MEMBERS CASES

- \* - Discuss and demonstrate an understanding of the decision-making process concerning the election to be tried by members, including the option of enlisted members
- Discuss the criteria for member selection by the convening authority
- \* - Discuss and demonstrate the objective of voir dire, including when individual voir dire should be conducted
- Discuss the purposes of members' questionnaires and demonstrate an ability to examine questionnaires for bases for disqualification/challenge for cause
- Demonstrate an understanding of when an article 39(a) session should be called before and after assembly
- Demonstrate an understanding of the foundation required to establish challenge for cause; develop a basis for challenge for cause
- Demonstrate an understanding of routinely required instructions

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- Demonstrate an understanding of when special instructions may be required based on the evidence before the court, including when instructions on lesser included offenses are desirable
- Demonstrate an understanding of the limitations on members discussing the case during and after trial

#### POST-TRIAL DUTIES

- \* - Demonstrate an understanding of the accused's post-trial and appellate rights
- \* - Demonstrate an understanding of the rules governing deferral of confinement
- \* - Discuss defense counsel duties concerning clemency petitions, including petitions to the Navy Clemency and Parole Board
- \* - Demonstrate an understanding of the rules concerning post-trial review by the convening authority and counsel obligations therein
- Demonstrate an understanding of the collateral consequences of a court-martial

#### ADMINISTRATIVE HEARINGS

- \* - Read JAGINST 5830.1, Subj: Procedures Applicable to Courts of Inquiry and Administrative Fact-Finding Bodies that Require a Hearing
- \* - Observe one initial review officer (IRO) hearing at the brig
- \* - Review OPNAVINST 5350.4 (series), Subj: Alcohol and Drug Abuse Prevention and Control
- Review procedures for Article 138, UCMJ complaints
- Review procedures for petitions to the Board for Correction of Naval Records
- Review procedures for evaluation / fitness report rebuttals

LEGAL ASSISTANCE ATTORNEY TRAINING OBJECTIVES

TRAINING GOAL

To prepare a judge advocate to provide legal assistance to military members, their dependents, and retirees which meets or exceeds the minimum level required by Federal, state, and local law.

- \* - Demonstrate knowledge of the parameters of legal assistance as defined by the JAGMAN
- \* - Demonstrate knowledge of who is eligible for legal assistance
- \* - Demonstrate knowledge of Volume 32, Code of Federal Regulations, Part 727, which deals with the scope of military legal assistance
- Demonstrate an understanding of the Expanded Legal Assistance Program
- Prepare GMT lecture outline on legal assistance and demonstrate a working knowledge of its contents
- Prepare a predeployment briefing on legal assistance and demonstrate a working knowledge of its contents
- Demonstrate familiarity with the NLSO legal assistance turnover guide
- Demonstrate familiarity with the NLSO legal assistance library, specifically:
  - Demonstrate familiarity with the "ALL STATES" provisions on marriage and divorce
  - Demonstrate familiarity with the local jurisdiction's law on marriage and divorce
  - Demonstrate familiarity with the "ALL STATES" provisions on wills
  - Demonstrate familiarity with the local jurisdiction's law on wills
  - Demonstrate familiarity with the "ALL STATES" provisions on consumer law

- Demonstrate familiarity with the local jurisdiction's consumer law
- Demonstrate familiarity with the local jurisdiction's landlord-tenant law
- Demonstrate familiarity with the local jurisdiction's name-change procedures
- Demonstrate familiarity with the U.S. Army Legal Assistance Guide
  
- Demonstrate familiarity with the legal assistance available from other military and civilian sources in the area
- Demonstrate familiarity with the local jurisdiction's adoption procedures
- \* - Demonstrate familiarity with the MILPERSMAN articles dealing with the support of dependents
- Demonstrate familiarity with the MILPERSMAN articles dealing with paternity complaints
- Demonstrate knowledge of Volume 32, Code of Federal Regulations, Part 734, which deals with garnishment of pay to collect child support and alimony
- Demonstrate familiarity with the local jurisdiction's treatment of retirement pay in divorce actions
- Draft a letter on behalf of a client seeking financial support pursuant to provisions of the MILPERSMAN
- Demonstrate familiarity with the provisions of Uniformed Services Former Spouses Protection Act (USFSPA)
- Demonstrate familiarity with the provisions of Uniform Reciprocal Enforcement of Support Act (URESAs)
- Demonstrate familiarity with the proper advice to give to a client seeking a temporary restraining order. (What provisions of the local jurisdiction govern advice in this area?)
- Demonstrate familiarity with the services available from the local jurisdiction's child protective services
- Demonstrate familiarity with the services available from the nearest available spouse abuse shelter

- \* - Demonstrate familiarity with the services available from the Family Advocacy Program
  - Demonstrate familiarity with confidentiality issues unique to the Family Advocacy Program
- \* - Demonstrate familiarity with will worksheets for married and single persons
  - Prepare PDP lecture outline on will preparation and demonstrate a working knowledge of its contents
  - Demonstrate familiarity with INS procedures and forms
  - Demonstrate familiarity with the Fair Debt Collection Practices Act
  - Demonstrate familiarity with the Federal Truth-in-Lending Act
  - Demonstrate familiarity with DOD Directives which deal with indebtedness of military personnel
  - Draft a demand letter in support of a client's claim against a debtor
  - Demonstrate familiarity with the local jurisdiction's Small Claims Court procedures
  - Demonstrate familiarity with the local jurisdiction's motor vehicle (registration/licensing) laws
  - Demonstrate familiarity with the Soldiers' and Sailors' Civil Relief Act
  - Demonstrate familiarity with the Navy's survivor benefits
  - Demonstrate familiarity with the worldwide locator services
- \* - Demonstrate familiarity with the Navy's Standards of Conduct regulations [SECNAVINST 5370.2 (series)]

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- Demonstrate familiarity with the operation of the Board for Correction of Naval Records
  - Demonstrate familiarity with procedures required to draft a petition to the Board for Correction of Naval Records
  - Demonstrate familiarity with procedures required to file a petition to the Board for Correction of Naval Records
- Demonstrate familiarity with the operation of the Navy Discharge Review Board
  - Demonstrate familiarity with procedures required to draft a petition to the Navy Discharge Review Board
  - Demonstrate familiarity with procedures required to file a petition to the Navy Discharge Review Board
- Demonstrate familiarity with the DL Wills automated wills program
- \* - Demonstrate familiarity with the preparation and execution of special powers of attorney
- \* - Demonstrate familiarity with the preparation and execution of general powers of attorney
- Demonstrate familiarity with the JAGMIS legal assistance case input form
- Demonstrate familiarity with the NLSO's rules concerning case file creation and format
- Provide advice to a client seeking a legal separation
- Provide advice to a client seeking a divorce
- Provide advice to a client seeking financial support for lawful dependents
- Provide advice to a client concerning the completion of a will worksheet
- Provide advice to a client concerning immigration laws
- Supervise the execution of wills prepared by the legal assistance department
- Provide advice to a client concerning the local jurisdiction's small claims court

**NLSO CLAIMS ATTORNEY TRAINING OBJECTIVES**

**TRAINING GOAL**

To prepare a claims attorney to independently process claims, research claims, prepare decision memoranda, and coordinate external claims actions without supervision at an NLSO.

**GENERAL CLAIMS**

- General Claims Organization
  - \* - Read JAGMAN Chapter VIII
  - \* - Read JAGINST 5890.1 (series)
  - \* - Demonstrate familiarity with the responsibilities of the following organizations in processing claims
    - Command receiving a claim
    - Naval Legal Service Office
    - Deputy Assistant Judge Advocate General (Claims and Tort Litigation Code 35)
    - Deputy Assistant Judge Advocate General (Investigations Code 33)
  - Call and introduce self to OJAG (Code 35)
  - Read 5 U.S.C. § 552(b)(5)
  - Review DOJ monograph on work product privilege
- Claims against individuals
  - Demonstrate familiarity with constitutional torts
  - Demonstrate familiarity with recognizing constitutional torts
  - Demonstrate familiarity with Westfall Act
  - Demonstrate familiarity with Federal removal statute [28 U.S.C. § 1441]
  - Read JAGMAN paras. 0616 & 0621
  - Demonstrate familiarity with DOJ provisions concerning representation

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- Draft a letter requesting DOJ representation and substitution in a case brought against an individual
- Processing litigation demands
- \*
  - Read SECNAVINST 5820.8 (series)
  - Review procedures for appointment of OGC as agent to receive service of process for SECNAV
  - Read state law and rules regarding service of process.
  - Demonstrate familiarity with Federal Rules of Civil Procedure 4, 26, 30, 33, 34, 35, 37, and 45
  - Demonstrate familiarity with definition of "litigation demand"
  - Demonstrate familiarity with the matters (MSPB, etc.) excluded from the instruction
  - Demonstrate familiarity with the standards for release of factual and opinion testimony
  - Demonstrate familiarity with which commanders are authorized to release official information
- \*
  - Demonstrate familiarity with application of the Privacy Act to litigation demands
  - Draft a reply to a litigation demand
  - Draft an authorization letter for a witness/officer to release official information in response to a litigation demand

#### FEDERAL TORT CLAIMS

- Statutory basis
  - Demonstrate familiarity with basic statutory authority
    - Read 28 U.S.C. 1346, 2671-2680
    - Read DOJ FTCA Monograph
  - Demonstrate familiarity with statutory limitations and exceptions to the basic authority (e.g., Feres doctrine, discretionary act, intentional tort exceptions)

- **Implementing Regulations**
  - Read the basic implementing regulations, JAGINST 5890.1
  - Demonstrate familiarity with limitations and exceptions set out in regulations
- **Process**
  - Describe events necessary for processing the claim from the filing of a claim through settlement of a claim
  - \* - Describe the legal effect of failure to decide a claim within 6 months of receipt
  - Describe the decision makers and any limitations on their authority, including identity of settlement authorities and their settlement authority
  - Describe the appeals process, including time limit for filing an appeal, the appeal authority, and the format of the appeal
  - Describe whether there is a right to sue on the claim
  - Describe the organization of the U.S. Attorney's Office and the Department of Justice responsible for acting on tort actions and other civil litigation
- Describe each element of factual information submitted by claimant that must be available to process the claim
  - \* - Describe the format for submitting a claim, including required forms or substitutes and what constitutes filing a claim for purposes of meeting the statute of limitations
  - Demonstrate familiarity with information required for a valid claim, including demand for a sum certain, notice pleading of the facts leading to liability, and the extent of damages
  - Describe the time limits for submitting a claim
    - Demonstrate familiarity with when the statute of limitations begins to run and when it is tolled

- Demonstrate familiarity with what is required to comply with the statute of limitations and effect of a defective claim
- Demonstrate ability to resolve deficiencies in the information submitted with the claim
- Draft a letter requesting additional information to perfect a claim
- Demonstrate ability to use outside consultants or experts to assess the validity of a claim
- Review a report from the Armed Forces Institute of Pathology
- Review a JAGMAN investigation of an accident or injury
- Describe/demonstrate ability to value a claim
- \*
  - Demonstrate familiarity with repair estimates, damage assessments
  - Prepare an assessment of the value of a claim using a commercial damage research service
  - Demonstrate familiarity with the concept of present value of a stream of income
  - Demonstrate familiarity with standard tables of life expectancy and working life
  - Review an economist's report on the value of lost earnings
  - Calculate depreciation using a standard table
- Demonstrate ability to research legal issues on claims matters
- Demonstrate familiarity with state substantive law on liability, including:
  - comparative negligence
  - respondeat superior
  - premises liability
  - last chance of survival
  - wrongful death statute

- Demonstrate familiarity with state substantive law on defenses, including:
  - contributory negligence
  - last clear chance
- Demonstrate familiarity with state substantive law on damages and remedies
- Demonstrate familiarity with applicable conflict of law issues
- Demonstrate ability to prepare documents necessary to adjudicate, prosecute or defend a claim, as appropriate
  - Write the following decision documents to adjudicate a claim
    - denial letter
    - settlement memorandum and offer letter
    - settlement agreement and release
  - Write the following documents as litigation support for the U.S Attorney's Office:
    - litigation report
    - answer to a complaint
    - answers to interrogatories
    - response to request for production of documents
    - response to request for admissions
  - Write necessary documents to assert an affirmative claim under the MCRA or other applicable law
    - demand letter
    - cooperation letter to plaintiff's counsel
  - For claims that are settled:
    - Demonstrate familiarity with the agency/office responsible for actual payment
    - Draft a memorandum or letter forwarding the claim for payment and identify all required enclosures
    - Demonstrate familiarity with the normal time frames required for payment

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PERSONNEL CLAIMS

- Statutory basis
  - \* - Demonstrate familiarity with basic statutory authority, including 31 U.S.C. §§ 3701, 3702, & 3721
  - Demonstrate familiarity with statutory limitations and exceptions to the basic authority
- Implementing Regulations
  - Read the basic implementing regulations, JAGINST 5890.1, encl (5)
  - Demonstrate familiarity with limitations and exceptions set out in regulations
- Process
  - Describe events necessary for processing the claim
  - Describe the time limits for processing the claim
  - \* - Describe the decision makers and any limitations on their authority
  - Describe the appeals process
  - Describe whether there is a right to sue on the claim
- Describe each element of factual information submitted by claimant that must be available to process the claim
  - Describe the format for submitting a claim
- \* - Demonstrate familiarity with information required for a valid claim
  - Describe the time limits for submitting a claim
  - Demonstrate ability to resolve deficiencies in the information submitted with the claim
  - Demonstrate ability to use outside consultants or experts to assess the validity of a claim

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- Describe/demonstrate ability to value a claim
  - Demonstrate familiarity with repair estimates, damage assessments
  - Research in valuation services
- \* - Calculate depreciation using a standard table
- Demonstrate ability to research legal issues on claims matters
  - Demonstrate familiarity with state substantive law on liability
  - Demonstrate familiarity with state substantive law on defenses
  - Demonstrate familiarity with state substantive law on damages and remedies
  - Demonstrate familiarity with applicable conflict of law issues
- \* - Demonstrate ability to prepare documents necessary to adjudicate a claim or to prosecute a claim, as appropriate
  - Write a decision document to adjudicate a claim, including a supporting memorandum
  - For claims that are settled:
    - Demonstrate familiarity with the agency/office responsible for actual payment
    - Draft a memorandum or letter forwarding the claim for payment and identify all required enclosures
    - Demonstrate familiarity with the normal time frames required for payment

#### MILITARY CLAIMS ACT

- Statutory basis
  - Demonstrate familiarity with basic statutory authority

- Demonstrate familiarity with statutory limitations and exceptions to the basic authority
- Implementing Regulations
  - Read the basic implementing regulations, JAGINST 5890.1, encl (2)
- \* - Demonstrate familiarity with limitations and exceptions set out in regulations
- Process
  - Describe events necessary for processing the claim
  - Describe the time limits for processing the claim
  - Describe the decision makers and any limitations on their authority
  - Describe the appeals process
  - Describe whether there is a right to sue on the claim
- Describe each element of factual information submitted by claimant that must be available to process the claim
  - Describe the format for submitting a claim
- \* - Demonstrate familiarity with information required for a valid claim
  - Describe the time limits for submitting a claim
  - Demonstrate ability to resolve deficiencies in the information submitted with the claim
  - Demonstrate ability to use outside consultants or experts to assess the validity of a claim
- Describe/demonstrate ability to value a claim
- \* - Demonstrate familiarity with repair estimates, damage assessments
  - Research in valuation services
  - Calculate depreciation using a standard table
- Demonstrate ability to research legal issues on claims matters

- Demonstrate familiarity with state substantive law on liability
- Demonstrate familiarity with state substantive law on defenses
- Demonstrate familiarity with state substantive law on damages and remedies
- Demonstrate familiarity with applicable conflict of law issues
- Demonstrate ability to prepare documents necessary to adjudicate a claim or to prosecute a claim, as appropriate
- Write a decision document to adjudicate a claim, including a supporting memorandum
- For claims that are settled:
  - Demonstrate familiarity with the agency/office responsible for actual payment
- \*
  - Draft a memorandum or letter forwarding the claim for payment and identify all required enclosures
  - Demonstrate familiarity with the normal time frames required for payment

#### **NONSCOPE CLAIMS**

- Statutory basis
  - Demonstrate familiarity with basic statutory authority
  - Demonstrate familiarity with statutory limitations and exceptions to the basic authority
- Implementing Regulations
  - Read the basic implementing regulations, JAGINST 5890.1, encl (4)
- \*
  - Demonstrate familiarity with limitations and exceptions set out in regulations

- Process
  - Describe events necessary for processing the claim
  - Describe the time limits for processing the claim.
  - \* - Describe the decision makers and any limitations on their authority
  - Describe the appeals process
  - Describe whether there is a right to sue on the claim
- Describe each element of factual information submitted by claimant that must be available to process the claim
  - Describe the format for submitting a claim
- \* - Demonstrate familiarity with information required for a valid claim
  - Describe the time limits for submitting a claim
  - Demonstrate ability to resolve deficiencies in the information submitted with the claim
  - Demonstrate ability to use outside consultants or experts to assess the validity of a claim
- Describe/demonstrate ability to value a claim
  - \* - Demonstrate familiarity with repair estimates, damage assessments
  - Research in valuation services
  - Calculate depreciation using a standard table
- Demonstrate ability to research legal issues on claims matters
  - Demonstrate familiarity with state substantive law on liability
  - Demonstrate familiarity with state substantive law on defenses
  - Demonstrate familiarity with state substantive law on damages and remedies

- Demonstrate familiarity with applicable conflict of law issues
- Demonstrate ability to prepare documents necessary to adjudicate a claim or to prosecute a claim, as appropriate
- Write a decision document to adjudicate a claim, including a supporting memorandum
- For claims that are settled:
  - Demonstrate familiarity with the agency/office responsible for actual payment.
  - Draft a memorandum or letter forwarding the claim for payment and identify all required enclosures
  - Demonstrate familiarity with the normal time frames required for payment

**FOREIGN CLAIMS ACT (where applicable)**

- **Statutory basis**
  - \* - Demonstrate familiarity with basic statutory authority, 10 U.S.C. § 2734, including definition of "inhabitant," and treatment of causation and scope of employment
  - \* - Demonstrate familiarity with statutory limitations and exceptions to the basic authority
  - \* - Demonstrate familiarity with the rule of construction applied to foreign claims
  - Demonstrate familiarity with typical SOFA treatment of claims
    - Read Article VIII of the NATO SOFA
- **Implementing Regulations**
  - \* - Read the basic implementing regulations, JAGMAN para. 0808 et seq.
  - Demonstrate familiarity with limitations and exceptions set out in regulations

- Read applicable directives applicable to the local area
- Process
  - \* - Describe events necessary for processing the claim, including composition of a Foreign Claims Commission
  - Describe the time limits for processing the claim
  - Describe the decision makers and any limitations on their authority
  - Read DODDIR 5515.8
  - Describe the appeals process
  - Describe whether there is a right to sue on the claim
- Describe each element of factual information submitted by claimant that must be available to process the claim
  - Describe the format for submitting a claim, Standard Form 95, including signature requirements, proof of agency
- \* - Demonstrate familiarity with information required for a valid claim, including requirement for a sum certain and "notice" pleading as to facts and injury
- Describe the time limits for submitting a claim and how it is calculated
- Demonstrate ability to resolve deficiencies in the information submitted with the claim
- Demonstrate ability to use outside consultants or experts to assess the validity of a claim
- Describe/demonstrate ability to value a claim
  - Demonstrate familiarity with repair estimates, damage assessments
  - Research in valuation services
  - Calculate depreciation using a standard table

- Demonstrate ability to research legal issues on claims matters
  - Demonstrate familiarity with state substantive law on liability
  - Demonstrate familiarity with state substantive law on defenses
  - Demonstrate familiarity with state substantive law on damages and remedies
  - Demonstrate familiarity with applicable conflict of law issues
- Demonstrate ability to prepare documents necessary to adjudicate a claim or to prosecute a claim, as appropriate
  - Write a decision document to adjudicate a claim, including a supporting memorandum
  - Write necessary documents to assert an affirmative claim under the MCRA or other applicable law
  - For claims that are settled:
    - Demonstrate familiarity with the agency/office responsible for actual payment
    - Draft a memorandum or letter forwarding the claim for payment and identify all required enclosures
    - Demonstrate familiarity with the normal time frames required for payment

#### MEDICAL CARE RECOVERY ACT

- Statutory basis
  - \* - Demonstrate familiarity with basic statutory authority
  - \* - Demonstrate familiarity with statutory limitations and exceptions to the basic authority

- **Implementing Regulations, JAGINST 5890.1, encl (6)**
  - **Read the basic implementing regulations**
  - **Demonstrate familiarity with limitations and exceptions set out in regulations**
- **Process**
  - **Describe events necessary for processing the claim**
  - **Describe the time limits for processing the claim**
  - \* - **Describe the decision makers and any limitations on their authority**
  - **Describe the appeals process**
  - **Describe whether there is a right to sue on the claim**
  - **Know process for requesting DOJ intervention to protect Government's interest**
- **Describe each element of factual information submitted by claimant that must be available to process the claim**
  - **Describe the format for submitting a claim**
- \* - **Demonstrate familiarity with information required for a valid claim**
  - **Describe the time limits for submitting a claim**
  - **Demonstrate the ability to resolve deficiencies in the information submitted with the claim**
  - **Demonstrate ability to use outside consultants or experts to assess the validity of a claim**
- **Describe/demonstrate ability to value a claim**
  - **Demonstrate familiarity with repair estimates, damage assessments**
  - **Research in valuation services**
  - **Calculate depreciation using a standard table**
- **Demonstrate ability to research legal issues on claims matters**

- Demonstrate familiarity with state substantive law on liability
- Demonstrate familiarity with state substantive law on defenses
- Demonstrate familiarity with state substantive law on damages and remedies
- Demonstrate familiarity with applicable conflict of law issues
- Demonstrate ability to prepare documents necessary to adjudicate a claim or to prosecute a claim, as appropriate
  - Write a decision document to adjudicate a claim, including a supporting memorandum
  - Write a litigation report
  - Write necessary documents to assert an affirmative claim under the MCRA or other applicable law
  - Prepare a letter to OJAG supporting a request for a waiver/ compromise of claim
  - Prepare request to OJAG for DOJ intervention in a lawsuit
- Demonstrate familiarity with the agency/office responsible for taking up any proceeds from settlement or trial
  - Draft a memorandum or letter forwarding the funds and identify all required enclosures

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**FEDERAL CLAIMS COLLECTION ACT**

- **Statutory basis**
  - Demonstrate familiarity with statutory authority
  - Read implementing regulations
- **Process**
  - Identify sources of information for potential FCCA claims such as police reports, investigations, and unit SITREPS
  - File notice of claim with appropriate parties
  - Negotiate settlement and repayment schedules with responsible parties
  - Ensure monies collected as a result of damage to nonappropriated fund instrumentalities and industrial-commercial property are deposited in the appropriate fund
  - Know when commanding officers are authorized to accept replacement in kind or repairs to damaged property
- Demonstrate ability to understand substantive tort and liability law as well as substantive defenses
- Demonstrate ability to prepare documents necessary to assert a claim

**COMMAND SERVICES ATTORNEY TRAINING OBJECTIVES**

**TRAINING GOAL**

To prepare a command services attorney by the effective development of legal and military skills required to properly execute the duties of command services attorney.

**PERSONNEL QUALIFICATION STANDARDS (PQS)**

NOTE: All items specified in this enclosure reflect minimum standards for a command services attorney and are required to be reported on the ITR.

**BASIC ORIENTATION**

- Identify the significant client commands served by your NLSO
- Describe the missions and operations of these significant client commands
- Make calls on the CO, XO, and/or legal officer of each of these significant client commands
- Meet with NLSO CO and XO to identify their views of the requirements of command services
- Review lesson plans for client command legal training

**SCREENING AND DRAFTING OF CHARGES**

- Complete the TC PQS

**PRETRIAL RESTRAINT**

- Know how to advise IRO and assist in preparation of paperwork concerning pretrial confinement
- Know the conditions warranting lawful pretrial restraint

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#### POST TRIAL REVIEW

- Be familiar with summary court-martial record of trial and forwarding procedures to GCM authority
- Be familiar with non-BCD special court-martial record of trial, preparation of convening authority's action and promulgating order, and forwarding requirements to GCM authority
- Be familiar with BCD special court-martial record of trial, preparation of convening authority's action and promulgating order, and forwarding requirements to NCMCR

#### ADMINISTRATIVE DISCHARGE BOARDS

- Be familiar with administrative board processing requirements contained in the BUPERS Manual and BUPERSINST 1910.1 (series)
- Be familiar with the administrative board docket

#### JAGMAN INVESTIGATIONS

- Know the circumstances requiring JAGMAN investigations and the type of investigating body required
- Know the requirements for drafting a JAGMAN investigation including required findings of fact, opinions, and recommendations for specific types of incidents
- Know the requirements for drafting and properly routing an endorsement for a JAGMAN investigation

#### SPECIAL ASSISTANT U.S. ATTORNEY

- Review turnover file of previous incumbent
- Make a call on the U.S. Attorney or his designated representative
- Be familiar with U.S. Courthouse and filing procedures
- Observe Magistrate's court in session
- Review the U.S. Attorney's Manual
- Prepare pleadings and conduct misdemeanor trial in Magistrate's court

#### FRATERNIZATION AND SEXUAL HARASSMENT

- Be familiar with OPNAVINST 5370.2 (series) and 5354.1 (series)
- Prepare a lecture on this subject for presentation to area commands

#### STANDARDS OF CONDUCT

- Be familiar with SECNAVINST 5370.2 (series)
- Prepare a lecture on this subject for presentation to area commands

#### FOIA / PRIVACY ACT

- Be familiar with SECNAVINST 5720.42 (series), 5211.5 (series), 5820.3 (series), and the JAG Manual provisions on civil process

#### ENVIRONMENTAL LAW

- Be familiar with OPNAVINST 5090.1 (series)
- Know the environmental law responsibilities of the following:
  - Commanding officer ashore, including host/tenant relationship
  - Commanding officer afloat
  - Regional environmental coordinator
  - Major claimants
  - OP-45
- Be able to identify the regional environmental coordinator
- Be familiar with the reporting requirements and the applicable phone numbers and procedures for the following:
  - Oil spill
  - Hazardous waste spill

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- Be able to locate and demonstrate familiarity with the following research resources within the local area:
  - Environmental Law Reporter (or equivalent loose-leaf service)
  - State environmental law statutes and regulations
  - SOPA and other local instructions on environmental compliance, including handling of oily waste and bilge water

## APPELLATE DEFENSE COUNSEL TRAINING OBJECTIVES

### TRAINING GOAL

To prepare an appellate defense counsel to represent an appellant, who was convicted of a common law felony by a contested general court-martial and is serving at least 5 years confinement at hard labor, on appeal before the Navy Court of Military Review and the Court of Military Appeals, and to present that appellant's certiorari petition to the U.S. Supreme Court.

### PERSONNEL QUALIFICATION STANDARDS

#### INDOCTRINATION

- \* - Appellate Defense Handbook
- \* - WESTLAW tutorial
- \* - LEXIS tutorial
- \* - WordPerfect tutorial
- Knowledge of office personnel and functions
- Complete legal memorandum assigned by department head (DH) on two (2) subject areas
- Submit two (2) sample briefs on issues assigned by DH to chop chain and eventually to court as co-counsel
- Complete moot court on issue in pending case
- Review 10 "THINS" under DH supervision
- Observe two (2) courts-martial at NLSO Washington DC (NJS accession only)

#### OFFICE PROCEDURES (GENERAL)

- Explain division administrative procedures to DH
- Explain division military requirements to DH

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- Receive briefing by Field Division (FD) and demonstrate knowledge of how to forward queries and other information to FD
- Demonstrate knowledge of basic correspondence and ability to draft standard divisional letters Encl (11f)
- Demonstrate ability to do automated research on both WESTLAW and LEXIS
- Demonstrate familiarity with NAMARA library
- Demonstrate familiarity with Supreme Court library
- Demonstrate ability to find a record of trial (ROT) in division ROT file room
- Explain divisional telephone policy and complete one (1) telephone call (under supervision) to a client
- \* - Stand one "Duty Officer Under Instruction" watch and demonstrate understanding of watch requirements and building physical security
- Demonstrate ability to retrieve information or documents from Code 40 and the original ROT held by NMCMR

#### CASE MANAGEMENT

- \* - Demonstrate understanding of NAMARA case tracking system (5520) by giving DH exact status of five (5) selected cases
- Explain how cases are inputted into the R-Base defense docket, how they are updated, and how docket can be used to track cases at NMCMR and COMA
- Reassignment of counsel
  - Explain responsibilities of counsel reassigned a case currently pending before NMCMR or COMA
  - File required notice with NMCMR and COMA to indicate withdrawal from a case and assignment of new counsel

#### CLIENT CONTACT

- Sign and mail standard "case has arrived" letter
- Telephone and explain status of case to 10 clients

- Draft and mail 10 "case specific" client letters
- Draft and mail 10 follow-up letters to confirm telephonic communication with client
- Draft and mail 10 "Results of NMCMR Review and Advice" letters
- Draft and mail 10 "Results of COMA Review and Advice" letters
- Draft and mail one (1) "Results of Supreme Court Cert. Petition and Advice" letter
- Discuss withdrawal from appellate review with five (5) clients
- File three (3) withdrawals from appellate review at NMCMR
- Prepare three (3) affidavits for clients and forward to clients for signature
- File three (3) client affidavits at NMCMR

#### CIVILIAN INTERACTION

- Draft and mail three (3) standard "Division of Labor" letters
- Conduct telephone communications with three (3) civilian attorneys representing three (3) different appellants
- Draft and mail three (3) "case specific" civilian attorney letters
- Draft and mail three (3) "follow-up letters" to confirm telephone communications or agreed-to work assignments with civilian attorneys
- Draft at least a portion of one (1) brief and FAX to civilian attorney for coordination and approval
- File pleadings at NMCMR which have been forwarded by civilian counsel in three (3) different cases
- Host and second-seat one (1) civilian counsel for NMCMR or COMA oral argument

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#### TRIAL DEFENSE COUNSEL

- Discuss case with trial defense counsel in 10 cases
- Prepare three (3) affidavits for trial defense counsel and FAX for review and signature
- File three (3) trial defense counsel affidavits at NMCMR

#### RECORDS OF TRIAL

- Review 100 records using review check-off list
- Find missing pages or documents from 10 ROT's and acquire missing item

#### MOTION PRACTICE

- File 10 enlargements seeking enlargement past fourth enlargement at NMCMR
- File one (1) extension motion at COMA
- File five (5) motions for various forms of relief from NMCMR or COMA
- File one (1) motion for reconsideration at NMCMR
- File one (1) motion for reconsideration en banc at NMCMR

#### EXTRAORDINARY WRITS

- Discuss possible need for extraordinary writ with one (1) field defense counsel
- Follow up on request with field division, deputy, and director
- Research and help prepare one (1) extraordinary writ
- File one (1) extraordinary writ as a counsel of record at NMCMR or COMA

#### BRIEFS

- Prepare and file briefs at NMCMR that contain the following issues (number of times issue is required as indicated)

- Sentence appropriateness (10)
- Reasonable doubt (10)
- CA's action / CMO / SJA review (10)
- Providency (10)
- Interpretation of RCM (5)
- Fourth, Fifth, or Sixth amendments (10)
- Instructions (3)
- Command influence (1)
- National security (1)
- Service policy (1)
- Ineffective assistance of counsel (5)
  
- Prepare and file 10 supplements at COMA
  
- Prepare and file two (2) briefs at COMA
  
- Prepare and file one (1) Supreme Court Petition for Cert.
  
- Including cases where issues contained in NMCMR issues, SUPRA, were briefed, represent appellants convicted of the following offenses (number of appellants required as indicated)
  - Unauthorized absence or desertion (10)
  - Drug use (10)
  - Drug sale or transfer (5)
  - Child molestation / child abuse (5)
  - Aggravated assault (3)
  - Rape (2)
  - Homicide (1)
  - National security (possible co-counsel) (1)

#### ORAL ARGUMENT

- Make two (2) oral arguments at NMCMR
- Make one (1) oral argument at COMA
- Observe one (1) oral argument at Army or Air Force CMR
- Observe one (1) Supreme Court argument in a criminal case

#### CLEMENCY AND PAROLE BOARD

- \* - Complete clemency and parole indoctrination
- Represent three (3) petitioners before board

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**WITHDRAWAL AND REASSIGNMENT OF CASES**

- Receive five (5) cases from detaching counsel which are pending at NMCMR
- Receive five (5) cases from detaching counsel which are pending at COMA
- Withdraw from five (5) cases pending at NMCMR or COMA
- Complete case turnover of pending cases prior to detachment

## APPELLATE GOVERNMENT COUNSEL TRAINING OBJECTIVES

### TRAINING GOAL

To prepare an appellate Government counsel for the quality representation of the U.S. Navy, through oral and written advocacy, by an attorney who understands and advocates that the interests of his client (the U.S. Navy) involve the protection of the military justice system as a tool for good order and discipline, the maintenance and advancement of the law, and the furthering of justice.

### PERSONNEL QUALIFICATION STANDARDS

#### INDOCTRINATION

- \* - Appellate Government Handbook
- \* - WESTLAW tutorial
- \* - LEXIS tutorial
- \* - WordPerfect tutorial
- Knowledge of office personnel and functions
- Knowledge of CMR and CMA functions and personnel
- \* - Review of CMR and CMA court rules
- Knowledge of GPO Style Manual
- Observe moot courts
- Observe CMR and CMA arguments
- Write three (3) sentence appropriateness briefs
- Write two (2) factual sufficiency briefs
- \* - Knowledge of writ practice and government appeals (second-four JA's only)
- Write two (2) briefs on substantive issues in cases where senior counsel remains counsel of record

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- Navy appellate leave activity / Marine Corps appellate leave practices
- Role of OJAG
- Knowledge of PQS for trial DC / TC

#### OFFICE PROCEDURES (GENERAL)

- Administrative procedures
- Military requirements
- Correspondence / messages
- Automated research
- NAMARA / JAG libraries
- Supreme Court library
- File room
- Role of promulgation and other Code 40 functions
- \* - NAMARA docket and case tracking system

#### TOOLS OF THE TRADE

- Items required for ROT (see R.C.M. 1103)
- Familiarity with West Digest System
- Computer-assisted legal research
- Slip opinions
- Unreported decisions of Courts of Military Review
- Writing a pleading
- Supreme Court / Law Week
- Legal analysis
- Strategic and policy concerns
- Confinement system
- Collateral consequences

**ACTION OFFICER**

- Respond to single nonmeritorious issue briefs on post-trial review, sentence appropriateness, providency of plea, factual sufficiency, etc.
- Complete at least 10 briefs at CMR on substantive nonfrivolous issues with intermingled factual and legal analysis
- \* - Represent the Government in motion practice at CMR and CMA
- Respond to at least three (3) petitions for review at CMA
- Fully brief at least one (1) case at CMA
- Liaise with trial defense counsel (military and civilian) to obtain affidavits for ineffective assistance of counsel cases
- Capably address issue of post-trial mental responsibility
- Act as subject area coordinator (SAC) for at least three (3) substantive areas of law
  - The SAC is required to maintain an updated, comprehensive package of information summarizing a substantive area of the law. He advises counsel who have briefs or arguments in this area and reviews all pleadings submitted in this area.
- Present oral argument in at least three (3) cases before the Court of Military Review or the Court of Military Appeals
  - Whether a case is orally argued is within the discretion of the court. Accordingly, this requirement would have to be quite flexible. It also assumes a two-year tour.
- Sit as moot court member in at least 10 cases
- Perform at least two (2) of trial counsel assistance program functions (second-tour JA's only)
  - Answer field calls to advise trial counsel
  - Supreme Court coordinator - Cert. ops.
  - Government appeals coordinator

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- Extraordinary writs coordinator
- "View Point" coordinator
- Write one (1) published "View Point" article per year

**FIRST-TERM LIEUTENANT TRAINING OBJECTIVES  
(REGARDLESS OF SPECIFIC NLSO OR NAMARA ASSIGNMENT)**

**TRAINING GOAL**

To develop a junior judge advocate who is knowledgeable in multiple disciplines required to perform the duties of any billet assigned, with minimal additional training, and who is familiar with naval administration and operations.

**PERSONNEL QUALIFICATION STANDARDS**

**COMPUTER SKILLS**

- \* - Demonstrate working knowledge of personal computer
- \* - Demonstrate working knowledge of WordPerfect
- \* - Demonstrate ability to use E-Mail
- \* - Demonstrate ability to use JAGNET

**RESEARCH AND WRITING**

- Possess working knowledge of WESTLAW and/or LEXIS / NEXIS
- \* - Demonstrate familiarity with command library holdings
- Demonstrate comprehensive knowledge of naval correspondence formats pursuant to SECNAVINST 5216.5 (series), Subj: Department of the Navy Correspondence Manual
- Demonstrate familiarity with the correspondence style requirements set forth in the Navy Correspondence Manual
- \* - Demonstrate ability to draft a naval message in accordance with the Telecommunications User's Manual (NTP-3)
- Demonstrate ability to use NAVPUBINST 5215.1, Subj: Department of the Navy Directives Issuance System Consolidated Subject Index
- Demonstrate familiarity with the provisions of SECNAVINST 5210.11D, Subj: Department of the Navy File Maintenance Procedures and Standard Subject Identification Codes (SSIC's)

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- Demonstrate familiarity with the Standard Navy Distribution List (SNDL) (OPNAV P09B2-105 and P09B2-107)
- Attend a course in effective writing

**DOD, DON, OJAG, AND NLSC ORGANIZATIONS**

- \* - Demonstrate familiarity with the organization of the Department of Defense
- \* - Demonstrate familiarity with the organization of the Navy
- Demonstrate familiarity with the organization and mission of OJAG, including the functions of each OJAG division
- Demonstrate familiarity with the organization, function, and mission of the NLSC pursuant to NAVLEGSVCCOMINST 5450.1 (series), Subj: Mission and Functions of Naval Legal Service Offices
- Read NAVLEGSVCCOMINST 5800.1 (series), Subj: Naval Legal Service Office Manual

**PROFESSIONAL RESPONSIBILITY**

- \* - Read JAGINST 5803.1, Subj: Professional Conduct of Judge Advocates, and be knowledgeable about ethical responsibilities of judge advocates
- \* - Attend command training presentation on the professional responsibility of judge advocates

**STANDARDS OF CONDUCT**

- \* - Read and demonstrate knowledge of provisions of SECNAVINST 5370.2 (series), Subj: Standards of Conduct and Government Ethics, and be capable of advising commands and individuals about their responsibilities
- \* - Attend a training presentation on the Standards of Conduct

**REQUIREMENTS OF THE JAGMAN AND NAVY REGULATIONS**

- \* - Read and show familiarity with JAGINST 5800.7 (series) (JAGMAN)

- Read and show familiarity with the requirements of a court of inquiry as set forth in the JAGMAN and JAGINST 5830.1
- Read and show familiarity with U.S. Navy Regulations

#### ADMINISTRATION OF MILITARY PERSONNEL

- Read and show familiarity with the Targeted Augmentation Program pursuant to JAGINST 1212.1 (series)
- \* - Read and show familiarity with requirements of COMNAVMILPERS- COMINST 1611.1, Subj: Report on the Fitness of Officers; COMNAVMILPERSCOMINST 1616.1 (series), Subj: Navy Enlisted Performance Evaluation System Manual
- Demonstrate knowledge about the function and authority of the Naval Discharge Review Board and the Board for Correction of Naval Records pursuant to 32 C.F.R. 723 & 724

#### ENVIRONMENTAL PROTECTION PROGRAM

- Read OPNAVINST 5090.1 (series), Subj: Environmental and Natural Resources Program manual, and demonstrate familiarity with the organization of the Navy's Environmental Protection Program

#### OPERATIONAL LAW

- \* - Attend a training presentation on operational law and be able to identify sources for answers to operational law questions
- Read and demonstrate familiarity with NWP-9A, SECNAVINST 3300.1A, Subj: Law of Armed Conflict (Law of War) Program to Insure Compliance by the Naval Establishment, and JAGINST 3300.2 (series), Subj: Law of Armed Conflict Resource Materials

#### CLAIMS

- Attend a training presentation on claims processing and demonstrate familiarity with JAGMAN Chapters IV and VII and JAGINST 5890.1, Subj: Administrative Processing and Consideration of Claims on Behalf of and Against the United States. Adjudicate and depreciate a personnel claim.

**LEGAL ASSISTANCE**

- Familiarity with the DL Wills Program
- Familiarity with the regulations governing paternity, debt collection, and nonsupport of dependents

**MANAGEMENT**

- \* - Attend a presentation on leadership and management effectiveness training
- \* - Attend a presentation on total quality leadership

**GENERAL MILITARY TRAINING (GMT)**

- \* - Read and demonstrate familiarity with OPNAVINST 3120.32 (series), Subj: Standard Organization and Regulations of the U.S. Navy (Navy SORM)
- \* - Read and demonstrate familiarity with the Navy's Equal Opportunity Program and the requirements of OPNAVINST 5354.1 (series), Subj: Navy Equal Opportunity (EO) Manual.
- \* - Read and demonstrate familiarity with the Navy's policy on the prevention of sexual harassment as stated in SECNAVINST 5300.26, OPNAVINST 12720.3, and Section 1318 of NAVLEGSVCCOMINST 5800.1 (series)
- \* - Attend a presentation on prevention of sexual harassment
- \* - Read and demonstrate familiarity with the requirements of the Navy's Substance Abuse Program pursuant to SECNAVINST 5300.28 (series), Subj: Alcohol and Drug Abuse Prevention and Control
- Receive GMT in first aid
- Receive GMT in motor vehicle safety
- \* - Complete the Naval Orientation Correspondence Course
- Complete the Individual NLSO Orientation Program
- Demonstrate familiarity with Navy family support programs

## JAG CORPS ACCESSION SHIPBOARD TRAINING MANUAL

### INTRODUCTION

This Training Manual has been developed to assist you in benefitting the most from the shipboard phase of your accession training by providing you a means to improve your understanding of the challenges and complexity of duty afloat.

By completing the Manual, you will obtain a broad exposure to a number of important programs and systems; however, don't let the Manual become the sole focus on your time aboard ship. By making efficient use of your time, you should be able to go beyond the scope of the Manual to learn as much as possible about the U.S. Navy, an organization of which you are about to become an integral part.

On reporting aboard your ship, you should show this Manual to your CO and XO so they will appreciate your need to structure your time to enable you to attain your training objectives. In all probability, a junior officer from the ship will be assigned as your sponsor during your time on board. This will give you a unique opportunity to obtain a line officer's perspective of Navy life, and will assist you in making efficient use of your time on board. Naturally, you should review this Manual with your sponsor as soon as possible to make sure you get an early start on your work.

The Manual is organized into four sections:

- PART I                    Division Officer (38 points);
- PART II                   Watchstanding (32 points);
- PART III                  Ship's Systems (30 points); and
- PART IV                  Personnel / Relationships (10 points).

Each section contains either activities to perform or questions to answer. Each activity/ question has a point total following it. While it is understood that your ship's schedule or the workload of your shipboard sponsor may make it difficult for you to complete all line items, completion of at least 85 of the 110 possible points is expected.

When working through the Manual, keep the following points in mind:

1. Each line item in the Manual requires you to perform an activity (a "practical factor") or to record your answer to the question in the Manual.

2. Each practical factor has a line (\_\_\_\_\_) near the right-hand margin of the page for you to record your initials when you have completed the required action.

3. Most items which call for a written response are self-evident (most ask for a diagram or list). Also, all items requiring a written response do not have the line for initials mentioned above.

4. If you do not have adequate room for your response in the space provided, feel free to use the reverse side of the page or, if required, attach additional pages at the end of your Manual.

5. For the practical factors, you will note that some space has been provided between each line item. As these manuals will be returned to you to keep, you may wish to use this space for jotting down notes for future reference.

6. Your ship's schedule may not permit you to actually perform a particular item as envisioned (e.g., you can't stand underway watches if your ship remains in port). If this occurs, you may still initial the item as being completed after discussing the item thoroughly with a qualified person.

7. As this Manual will remain UNCLASSIFIED, do not place any classified notes in it. Please be careful in this regard, especially in the section on ship's systems. If in doubt, check with your sponsor.

At the end of your at-sea training period, you are to submit your Manual to your CO at your new duty station. It will be returned to you after review by the CO.

The Manual has been developed as part of an initiative to improve JAG Corps accession training. The Manual will be revised over time to ensure that it is current and relevant. When this Manual has been reviewed by your CO and returned to you, you are invited to submit any comments you may have concerning the Manual and your shipboard training experience to Commanding Officer, Naval Justice School, via your CO.



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3. Review a Watch, Quarter, and Station Bill for a division. Familiarize yourself with:
  - a. The General Quarters stations assigned to the personnel of one division (or section of a large division). (1)  

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  - b. The man overboard and abandon ship procedures/stations for one division (or section of a large division). (1)  

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4. Observe eight o'clock reports and pass-down to the divisional level. Observe department level officer's call and division morning quarters. (2)  

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5. Review shipboard procedures for the control, custody, inventory, and destruction of classified material. (3)  

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6. Review a division's training program, including use of school quotas and team training. (1)  

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7. Assist in updating/reviewing a division's PQS progress chart. (2)  

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8. Review the ship's procedures for preparing enlisted performance evaluations, and familiarize yourself with the use of the Division Officer's Handbook. (1)  

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9. Review the ship's procedures for counseling sailors concerning personal problems (e.g., indebtedness, family separation, etc.). (1)  

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10. Review the ship's procedures for submitting/forwarding request chits. (1)  

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11. Assist in conducting an informal material inspection of divisional spaces, including berthing spaces. Pay particular attention to the various damage control fittings and the use of compartment check-off lists. (2)  

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12. Assist in conducting a Commanding Officer's Zone Inspection. (2)  

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13. Review procedures for managing controlled equipage. (1)  

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14. Assist in updating/reviewing a division's weekly and quarterly PMS schedules. (3)  

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15. Review the ship's operating and inspection schedule with the Operations Officer. (1)  

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16. Review the ship's safety program, including the ship's safety organization and procedures used to investigate mishaps. (3)  

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17. Review the ship's safety procedures concerning: working aloft, working over the side, electrical safety (tagout), use of power tools, entering closed spaces (voids), use of paint, and stowage of hazardous materials. (5)
- 

18. Review the ship's procedures for investigating report chits, including procedures for the assignment of EMI. (2)
- 

19. Attend Captain's Mast (as an observer!), XOI, and the ship's Disciplinary Review Board (where established). (2)
-

PART II -- WATCHSTANDING (32 points)

In Port Watchstanding (15 points)

1. Draw a block diagram of one duty section of your ship's in-port watch organization. (2)

2. Stand one watch as Officer of the Deck in Port (under instruction). Review U.S. Navy Regulations, 1990, Chapters 7 and 9. (2)

3. Read the Commanding Officer's Standing Orders for Command Duty Officer and for Officer of the Deck In Port. (1)

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4. Review the organization and duties of the ship's in-port security force and MAA force. (1) \_\_\_\_\_

5. Review ship's procedures for the following:

a. Fire (1) \_\_\_\_\_

b. Flooding (1) \_\_\_\_\_

c. Bomb threat (1) \_\_\_\_\_

d. Security alert (1) \_\_\_\_\_

e. Oil spill (1) \_\_\_\_\_

f. Rescue and assistance (1) \_\_\_\_\_

g. Request for political asylum or temporary refuge  
(See U.S. Navy Regulations, 1990, Art. 0939) (1) \_\_\_\_\_

h. In-port watch duties for getting underway (1) \_\_\_\_\_

6. Observe an in-port fire party drill. (1) \_\_\_\_\_



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3. Stand one watch as Combat Information Center Watch Officer (under instruction). (2)

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a. Discuss the operational chain of command from the level of your ship to the National Command Authority. (1)

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b. Read the Rules of Engagement contained in the OPORDER relevant to your unit. (2)

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c. Read the Commanding Officer's Battle Orders. (1)

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4. Stand one watch as Engineering Officer of the Watch (under instruction). (2)

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a. Review your ship's doctrine/procedures for operation of the engineering plant, including casualty control. (1)

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b. NOTE: During this watch, you may have the opportunity to gather information for answering engineering questions in the Ship's Systems Section.



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**3. Damage Control**

a. Draw a block diagram of your ship's firemain system. Also, list and briefly describe the purpose of the other firefighting systems on your ship. (2)

b. Describe the underway repair party organization of your ship, including the name and brief description of duties of each repair party during General Quarters. (2)

c. Accompany a damage control (evaluation) team during General Quarters. (1)

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d. Familiarize yourself with:

- (1) The contents of a repair locker. (1) \_\_\_\_\_
- (2) The operation of an OBA. (1) \_\_\_\_\_
- (3) The use of an EEBD and escape route from assigned berthing in case of fire. (1) \_\_\_\_\_

4. Discuss, with a qualified operator/supervisor, the purpose and operation of the following systems/equipment on your ship:

- a. Navigation (1) \_\_\_\_\_
- b. Electronic warfare (1) \_\_\_\_\_
- c. Weapons systems (3) \_\_\_\_\_
- d. Radar and ASW sensors (2) \_\_\_\_\_
- e. Tactical computer/data system (2) \_\_\_\_\_
- f. Communication systems
  - (1) Voice (1) \_\_\_\_\_
  - (2) Data transfer (1) \_\_\_\_\_
  - (3) Visual (1) \_\_\_\_\_
- g. Deck seamanship equipment (1) \_\_\_\_\_
- h. Underway replenishment equipment (1) \_\_\_\_\_

PART IV -- PERSONNEL / RELATIONSHIPS (10 points)

1. Meet with the following personnel and discuss the listed topics.

a. Command Master Chief

(1) CMC role with ship's enlisted population (1)

(2) CMC role with ship's officer population (1)

(3) CMC view of officer/enlisted relationships (1)

b. Legal Officer / Legal Yeoman

(1) Processing of NJP / Courts-Martial cases (1)

(2) NLSO / Ship's working relationship (1) \_\_\_\_\_

c. Ship's Sailor of the Quarter

(1) Why that person enlisted / reenlisted (1)

(2) What accomplishments performed to win SOQ (1)

d. Chief Master-at-Arms

(1) CMAA role in maintaining good order / discipline  
(2) \_\_\_\_\_

e. Ship's Urinalysis Coordinator

(1) Urinalysis program operation and effectiveness (1)  
\_\_\_\_\_

**PROSPECTIVE COMMANDING OFFICER (PCO) TRAINING PLAN**

**CHARTERING PREMISE**

Judge advocates about to become commanding officers of naval legal service offices, the Naval Justice School, or about to become chief judges require a carefully planned, comprehensive course of formal instruction which addresses all facets of command management and operation; total quality leadership (TQL); the role of the commanding officer; and the vision and mission of the Judge Advocate General's Corps and the Naval Legal Service Command as they relate to the operational forces of the Navy. This course must take into account the experience level of the student and must concentrate upon honing and polishing leadership skills, enhancing knowledge, and examining and improving personal attributes.

**GOALS**

To establish a training course for prospective JAGC commanding officers that:

- Emphasizes senior leadership / management training
- Complements and coincides to the maximum extent possible with the prospective JAGC Executive Officer Course

The core instructional training program in this category will include:

- Civilian personnel management
- Officer / Enlisted career management
- Budget / Facilities management
- NLSO Programs management
- Reserve Affairs
- Substance Abuse
- Organizational and community relationships
- Equal Opportunity
- Navy Wellness programs

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- TQL / PDP training
- Principles of Naval Leadership
- Fraternalization and Sexual Harassment
- Security (ADP / Physical / Classified Information)
- Family Advocacy
- Substantive Law updates
- Dispute Resolution (e.g., subordinate complaints, FITREP / evaluation rebuttals, Hotline and customer complaints, congressional inquiries)

## PROSPECTIVE EXECUTIVE OFFICER (PXO) TRAINING PLAN

### CHARTERING PREMISE

Judge advocates about to become executive officers of naval legal service offices or Naval Justice School require a carefully planned, comprehensive course of formal instruction which addresses all facets of command management and operation; total quality leadership (TQL); the role of the executive officer; and the vision and mission of the Judge Advocate General's Corps and the Naval Legal Service Command as they relate to the operational forces of the Navy. This course must take into account the experience level of the student and must concentrate upon honing and polishing leadership skills, enhancing knowledge, and examining and improving personal attributes.

### GOALS

To provide a training course for prospective JAGC executive officers and selected officers in charge that:

- Emphasizes leadership / management training
- Complements and coincides to the maximum extent possible with the prospective JAGC Commanding Officer Course

The core instructional training program in this category will include:

- Civilian personnel management
- Officer / Enlisted career management
- Budget / Facilities management
- NLSO Programs management
- Reserve Affairs
- Substance Abuse
- Organizational and community relationships
- Equal Opportunity
- Navy Wellness programs

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- TQL / PDP training
- Principles of Naval Leadership
- Fraternization and Sexual Harassment
- Security (ADP / Physical / Classified Information)
- Family Advocacy
- Substantive Law updates
- Dispute Resolution (e.g., subordinate complaints, FITREP / evaluation rebuttals, Hotline and customer complaints, congressional inquiries)

**PROSPECTIVE SENIOR STAFF JUDGE ADVOCATE (PSSJA) TRAINING PLAN**

**CHARTERING PREMISE**

Judge advocates about to assume duties as our most senior staff judge advocates require a comprehensive course of formal instruction that addresses all facets of their responsibilities and fully prepares them to perform successfully.

**GOALS**

To provide prospective senior staff judge advocates with substantive law updates, instruction, and information on a wide range of topics so that they are equipped to render the most effective legal and policy advice to major command clients.

The core instructional training program in this category will include:

- Equal Opportunity / Sexual Harassment
- Drugs and Alcohol Abuse
- Anti-terrorism and physical security
- Officer personnel and discipline
- Supply management / budget / fiscal
- Environmental
- Medical support
- Health and physical readiness
- Family Advocacy
- Civil law updates
- Military justice issues
- Civilian personnel matters
- LDO / LN community
- Appropriations law and fraud, waste, and abuse
- Operational lawyer capabilities
- Force structure and capabilities
- Maritime strategy
- Standards of Conduct

## INDIVIDUAL TRAINING RECORD

### PRIVACY ACT STATEMENT

Authority to request the information in this record is derived from 5 U.S. Code 301, Departmental Regulations. Purpose of this form is to provide the Judge Advocate General and his subordinates with readily accessible data concerning personnel under the authority of or employed by the Department of Defense. The information is used to manage and administer personnel, determine training needed, record training completed, evaluate courses taken, and maintain readily accessible data concerning training. Disclosure of this information is voluntary; however, failure to provide this information may result in administrative determinations being made on future assignments without a complete record of relevant information.

### RULES OF CONDUCT UNDER THE PRIVACY ACT

1. Maintaining personal records. It is unlawful to maintain systems of records about individuals without prior announcement in the Federal Register. Anyone who does is subject to criminal penalties up to \$5,000. Even with such notice, care shall be taken to keep only such personal information as is necessary to do what law and the President, by Executive order, require. The information is to be used only for the purposes described in the Federal Register.

2. Disclosure. Information about an individual shall not be disclosed to any unauthorized individual. Anyone who makes an unauthorized disclosure on purpose may be fined up to \$5,000. Every member or employee of the Department of the Navy who maintains records about individuals has an obligation to do his/her part in protecting personal information from unauthorized disclosure. SECNAVINST 5211.5C describes when disclosures are authorized.

3. Individual access. Every individual, with certain exceptions, has the right to look at any record the Department of the Navy keeps on him/her, to copy it, and to request to have it corrected if he/she considers it wrong. The individual attempting to exercise these rights shall be given courteous and considerate assistance.

4. Ensuring accuracy. The Department of the Navy has an obligation to use only accurate, timely, relevant, and complete information when making decisions about individuals. Every member, official, and employee involved in keeping records on individuals shall assist in the discharge of this obligation.

- a. Name:
- b. Pay grade/Rank:
- c. SSN:

- d. Date of rank:
- e. Current duty station:
- f. PQS achieved:
- g. Courses attended:

(1) Course name \_\_\_\_\_

(a) Length:

(b) Location:

(c) Cost:

(d) Short description:

(e) Fulfills GMT/PDP/PQS/CLE requirement? Yes \_\_\_  
No \_\_\_

If yes, which:

(f) Trainee's course evaluation: A B C DF

A = Very useful F = Of little/no value

(2) Course name \_\_\_\_\_

(a) Length:

(b) Location:

(c) Cost:

(d) Short description:

(e) Fulfills GMT/PDP/PQS/CLE requirement? Yes \_\_\_  
No \_\_\_

If yes, which:

(f) Trainee's course evaluation: A B C DF

A = Very useful F = Of little/no value

h. Civilian education: level(s) achieved

i. State(s) of license: Status: (A/I)

j. State Bar number(s):

- k. Special qualifications attained:
- l. History (by billet) of JAGC/LDO/LN duties:

<u>Assignment</u>	<u>Months</u>	<u>From / To</u>
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