Professional Development Standards (PDS)
Military Justice

Name: __________________________
Definition of Flexible Measurement Terms

Note: Where verbs express only the general level of learning for knowledge and understanding, this is intended to provide greater flexibility for measurement in observable ways. When determining achievement of learning, use the appropriate observable action for the assessment.

I. Know: The ability to retrieve information from memory.

Actions used to assess knowing include: recall, list, state, identify, reproduce, and recognize.

II. Understand or Comprehend: Connecting existing with new information and experience to form meaning and relate concepts to other situations.

Actions used to assess understanding include: explain, summarize, defend, generalize, give examples, give analogies, and paraphrase.

III. Review: Reading and examining a reference sufficient to grasp its meaning and the principle issue(s).

Actions used to assess a sufficient review include: explain, summarize, discuss, and generalize.
Core Competencies

1. Preliminaries
2. Events to watch
3. Ethical Obligations and Considerations
4. Court Rules and Officer of the Court
5. Sexual Offenses and VWAP Training
6. Non-Punitive Measures
7. Complaints and Inquiries
8. Non-Judicial Punishment
9. ADSEPS
10. ADSEP Advocacy
11. Pre-Trial/Case Screening
12. Witness Interviews
13. Speedy Trial
14. Discovery
15. Article 32 Preliminary Hearings
16. Arraignment
17. Motions and Objections
18. Pre-Trial/Plea Agreements
19. Stipulations
20. Trial Preparation: Evidence and Witnesses
21. **Members' Case**

22. **Sentencing Case**

23. **Post-Trial Duties and Administrative Actions**

Commanding Officers have the discretion to modify or waive any line items or sections as appropriate for local practice. Commands are encouraged to simulate events that are not available locally to the extent practicable. Commanding Officers also have the discretion to determine that items completed in one PDS satisfy the requirements of a PDS in a subsequent rotation.

## 1. Preliminaries

Review, sign, and date:

<table>
<thead>
<tr>
<th>Resource</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your local Standard Organization and Regulations Manual (SORM)</td>
<td></td>
</tr>
<tr>
<td>NMCCA Website</td>
<td></td>
</tr>
<tr>
<td>CAAF Website (Digest in particular)</td>
<td></td>
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<tr>
<td>Local Court Rules</td>
<td></td>
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<tr>
<td>Navy Marine Corps Trial Judiciary Uniform Rules of Court</td>
<td></td>
</tr>
<tr>
<td>CNLSCINST 1300.1 [series] (First Tour Judge Advocate Program and Business Rules, particularly, section on Trial and Defense rotations)</td>
<td></td>
</tr>
<tr>
<td>CNLSCINST 5800.1[series], Naval Legal Service Command (NLSC) Manual, Chapters 10 &amp; Appendices A-1, B-1, C1; Table of Contents</td>
<td></td>
</tr>
<tr>
<td><strong>TC Only:</strong> CNLSCINST 5800.1[series], Naval Legal Service Command (NLSC) Manual, Chapters 14, 15</td>
<td></td>
</tr>
<tr>
<td><strong>DC Only:</strong> CNLSCINST 5800.1[series], Naval Legal Service Command (NLSC) Manual, Chapters 11, 12</td>
<td></td>
</tr>
<tr>
<td><strong>DC Only:</strong> DCAP Deskbook and Standard Forms</td>
<td></td>
</tr>
<tr>
<td>Appendix 23 (Analysis of Punitive Articles) of the Manual for Courts-Martial</td>
<td></td>
</tr>
</tbody>
</table>
**Initial and Date:**

1. __________ ACCESS/REVIEW: DCAP/TCAP SharePoint site and establish access using the instructions provided by your STC/SDC. Become familiar with its organization. Set alerts for discussions and other items. Learn their different missions/roles in assisting you as TC/DC.


3. __________ REVIEW: **TC Only:** TCAP Trial Counsel Manual, located on TCAP SharePoint site

4. __________ ACCESS: Lexis.com user account name and password from your command POC.

5. __________ ACCESS: Obtain access to Judicial Circuit’s SharePoint site.

6. __________ DISCUSS: The FTJA Business Rules as they pertain to your Trial or Defense practice.

7. __________ DISCUSS: The function of OJAG Codes 20, 30, 45, and 46 TCAP, and DCAP. Visit their SharePoint pages as applicable.

**TC Only:**

1. __________ REVIEW: TCAP SharePoint site to familiarize with resources available on the site, including motions.

2. __________ REVIEW: TCAP Checklist on SharePoint site.

3. __________ OBTAIN/ACCESS: Case Management System (CMS) account access. Discuss CMS operation and business rules with STC or designee.

4. __________ EXPLAIN: How to secure travel for witnesses to a court-martial to include issuing command invitation letters and subpoenas.

**DC Only:**

1. __________ LEARN: How requests for counsel are sent to the DSO and how cases are detailed by your DSO.

2. __________ ACCESS: CMTIS with the help of your local CMTIS Administrator. Review the CMTIS Business Rules.

**RECOMMENDED**  
(PDO/Branch/OIC/Department Head)  
**DATE**
2. Events to Watch

Note: Personnel are strongly encouraged to observe as many sessions of court as possible as you will learn from each counsel, Military Judge, and witness you observe in court.

OBSERVATION is preferred, but not required. If no opportunity to OBSERVE, discuss line item with appropriate department personnel.

Initial and Date:

1. _______ OBSERVE: An Article 32 hearing.

2. _______ OBSERVE: A docketing session.

3. _______ OBSERVE: An arraignment.

4. _______ OBSERVE: A motions hearing.

5. _______ OBSERVE: A guilty plea with a Pre-trial Agreement (PTA) or Plea Agreement.

6. _______ OBSERVE: A contested court-martial with members.

7. _______ OBSERVE: Voir dire.

8. _______ OBSERVE: An expert witness testifying.

9. _______ OBSERVE: The accused testifying.

10. _______ OBSERVE: A child witness testifying.

11. _______ OBSERVE: A remote witness testifying via VTC or telephone.


13. _______ OBSERVE: An IRO Hearing.

14. _______ OBSERVE: TC Only - Pre-referral hearing/ex parte conversation for a warrant or investigative subpoena.

RECOMMENDED ___________________________ DATE ______________________

(PDO/Branch/OIC/Department Head)
3. Ethical Obligations & Considerations

**Note:** Complaints against the ethical practices of another attorney are very serious matters. As a result, they should not be taken lightly and should be reserved for egregious activities or as a tool of last resort when other options have been exhausted. Any discussion of alleged violations of ethical rules MUST be discussed thoroughly with your chain of command, and only after approval, may it be pled in a court filing.

Review, sign, and date:

| Your state rules of professional responsibility. |  |
| JAG Corps Rules of Professional Responsibility | JAGINST 5803.1E |

**Initial & Date:**

1. ________ EXPLAIN: The rules of professional responsibility applicable when there are reasonable grounds to believe that a client is at imminent risk of self-harm.

2. ________ EXPLAIN: The rules of professional responsibility applicable to attorney representation, communications with a represented party, conflicts of interest and the best practices to avoid violations.

3. ________ EXPLAIN: The rules of professional responsibility applicable to attorney client privileges and the best practices to ensure maintaining the client’s confidences.

4. ________ EXPLAIN: The rules of professional responsibility applicable to attorney work-product and the best practices for avoiding a breach to the privilege.

5. ________ EXPLAIN: The rules of professional responsibility related to “attorney as witness.”

6. ________ REVIEW: OJAG Code 13’s SharePoint site, specifically, training materials related to professional responsibility.

7. ________ EXPLAIN: Where to go for interpretation or guidance on the application of the Rules.

8. ________ EXPLAIN: The steps to take (and not to take) if you believe a fellow counsel has violated the Rules.

9. ________ EXPLAIN: Your responsibility if you believe an opposing counsel has violated the Rules.
10. EXPLAIN: Under what circumstances, if any, a judge advocate may make an “extra-tribunal” statement.

11. EXPLAIN: How the rules of professional responsibility pertain to non-attorneys, such as Legalmen, paralegals, civilian interns, and other support personnel.

12. EXPLAIN: Your responsibilities with regard to non-attorney assistance.

13. EXPLAIN: The procedure if you believe there is an actual or apparent conflict between your State Bar professional rules and the JAG Corps professional responsibility rules.

14. CREATE: Your conflict-logbook for your Trial or Defense rotation. Discuss the logbook with STC or SDC, depending on your rotation, to ensure it meets departmental and JAG Corps requirements. Maintain logbook at all times and be prepared for spot-checks.

**DC Only:**

1. REVIEW: Your command’s policy/standard operating procedure on potentially suicidal clients.

2. REVIEW: Your command’s policies governing detail of counsel, eligibility for defense services, and use of DLSS resources.

3. REVIEW: Your State Bar rules regarding forming an attorney client relationship If your state rules conflict with JAGINST 5803.1, report it immediately to your SDC.

RECOMMENDED ___________________________ DATE ___________________

(PDO/Branch/OIC/Department Head)
4. Court Rules and Officer of the Court

Review, sign, and date:

<table>
<thead>
<tr>
<th>NMCTJINST 5810.5[series]</th>
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<tbody>
<tr>
<td>JAG/COMNAVLEGSVCCOM INST 5530.2 [series]</td>
</tr>
<tr>
<td>Local Courtroom Security Policy and Procedures</td>
</tr>
</tbody>
</table>

Initial and Date:

1. ________ DEMONSTRATE: Familiarity with the Military Judges’ Benchbook, familiarity with the local Rules of Court, an understanding of the docketing rules in effect in the circuit, and an understanding of the rules governing conduct of spectators in the courtroom.

2. ________ DRAFT: A Trial Management Order (TMO).

TC Only:

1. ________ SUBMIT: A completed docketing request to include a request for a court-martial date and arraignment.

RECOMMENDED __________________ DATE __________________
(PDO/Branch/Department Head)
5. Sexual Offenses and VWAP Training

Review, sign, and date:

<table>
<thead>
<tr>
<th>Articles 120 and 125, UCMJ (all versions)</th>
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</thead>
<tbody>
<tr>
<td>M.R.E. 412, 413, 414, 513, 514, 611, and</td>
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<tr>
<td>615</td>
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<tr>
<td>DoDD 6495.01 and DoDI 6495.02</td>
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<tr>
<td>OPNAVINST 1752.1[series] and</td>
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<tr>
<td>SECNAVINST 1752.4[series]</td>
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<tr>
<td>2250 et seq.; DoDD 1030.01; and DoDI1030.2</td>
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<tr>
<td>Jacob Wetterling Act, 42 U.S.C. §§ 14071 et</td>
</tr>
<tr>
<td>seq.</td>
</tr>
<tr>
<td>Adam Walsh Act, 42 U.S.C. §§ 16901 et</td>
</tr>
<tr>
<td>seq., including §§ 16913, 16918</td>
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<tr>
<td>JAGINST 5810.3 Navy Victim Legal</td>
</tr>
<tr>
<td>Counsel Program Manual</td>
</tr>
<tr>
<td>ALNAV 061/15 Requirement to Consider A</td>
</tr>
<tr>
<td>Victims Preference for Prosecution by</td>
</tr>
<tr>
<td>Court Martial or Civilian Court</td>
</tr>
</tbody>
</table>

Initial and Date:

1. __________ KNOW:

   a. Difference between “sexual act” and “sexual contact”; ______
   b. How allegations committed before 1 October 2007 are handled; ______
   c. How allegations between 1 October 2007 and 27 June 2012 are handled; ______
   d. How allegations after 28 June 2012 are handled; ______
   e. How allegations after 1 January 19 are handled; ______
   f. How consent and mistake of fact to consent applies to allegations under the various versions of Article 120;
   g. Discuss what it means to be capable of consenting under MJA16.
   h. Discuss United States v. Pease, 75 M.J. 180 (C.A.A.F. 2016) and its effect on consent in alcohol related cases._____

2. __________ KNOW:

   a. Exceptions to M.R.E. 412; ______
   b. Notice and motion filing requirements under M.R.E. 412; ______
   c. Required process for a closed hearing under M.R.E. 412; ______
3. KNOW:
   a. Differences between Restricted Reporting and Unrestricted Reporting; _____
   b. To whom a Restricted Report may be made; _____
   c. Limitations on confidentiality of a Restricted Report; _____
   d. What use a command, investigative agency, or counsel may make of a restricted report; _____
   e. Difference between a SARC and VA _____.

4. DISCUSS:

Note: Personnel should complete the sections below in a manner that ensures that you will not be called as a witness in a case. Only civilian paralegals or legalmen may be used as “seconds” during interviews in accordance with CNLSCINST 1300.1 [series].

OBSERVATION is preferred, but not required. If no opportunity to OBSERVE, discuss line item with appropriate department personnel.

5. INTERVIEWS:
   a. OBSERVE: An interview or direct/cross examination of a Sexual Assault Nurse Examiner (SANE)/Sexual Assault Forensic Examiner (SAFE); _____
   b. DISCUSS: How a SAFE is conducted and time windows for the collection of evidence.
   c. DISCUSS: The results of a SAFE collection kit and how to introduce medical evidence into evidence at a court-martial; _____
   d. DISCUSS: Lab results that might be present in a sexual assault case; _____
   e. OBSERVE: Consultation with an expert witness regarding the likely testimony of an opposing expert witness; _____
   f. DISCUSS: Memory impairment resulting from alcohol consumption in an alcohol facilitated sexual assault and how to address memory issues at trial _____;
   g. EXPLAIN: Situations in which alternative (non-live) testimony of a witness may be desired by a party, and methods/options for alternative testimony _______.

TC Only:

LEARN: About your duties under VWAP, role of TC, VWLO, VWAC, and requirements. Read OPNAVINST 5800.7A and COMNAVLEGSVCCOM INSTRUCTION 5800.4A.

REVIEW: Victim preference letter regarding jurisdictional preference.

OBSERVE: An interview of the alleged victim in a sexual assault case.
OBSERVE: Another TC contact a witness and an alleged victim to give a status update and conduct an interview.

IDENTIFY: The state office for Crime Victim Compensation and discuss transitional compensation in the federal government.

REVIEW: DD Form 2701.

OBSERVE: TC provide an alleged victim a completed DD Form 2702 and explain the contents.

OBSERVE: TC provide an alleged victim a completed DD Form 2703 and explain the contents.

EXPLAIN: DD Form 2704 to an alleged victim or witness and determine their election to be notified.

USE: The OJAG Victim Declination Letter and explain its use to an alleged victim.

RECOMMENDED ______________________ DATE ______________________
(PDO/Branch/Department Head)
6. Non-Punitive Measures (Administrative Remedies)

Review, sign, and date:

<table>
<thead>
<tr>
<th>R.C.M. 306(c)(2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAGINST 5800.7(series) (JAGMAN), Chapter 1, § 0102</td>
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<tr>
<td>JAGMAN, Chapter 1, § 0105</td>
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<tr>
<td>MILPERSMAN 1611-010</td>
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<td>MILPERSMAN 1611-020</td>
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<td>MILPERSMAN 1450-010</td>
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<td>MILPERSMAN 1070-170</td>
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<td>MILPERSMAN 1616-010</td>
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<td>MILPERSMAN 1616-030</td>
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<td>MILPERSMAN 1616-040</td>
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<tr>
<td>SJA Update 09-11 (NPLOC vs. LOI)</td>
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<tr>
<td>MILPERSMAN 5812-010</td>
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<tr>
<td>MILPERSMAN 1430-020</td>
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<tr>
<td>MILPERSMAN 1160-020</td>
</tr>
<tr>
<td>NAVADMIN 030/12</td>
</tr>
</tbody>
</table>

Initial and Date:

1. ________ UNDERSTAND: The limits on Extra Military Instruction (EMI).
2. ________ KNOW: Who may assign EMI.
3. ________ DISCUSS: The reporting requirements when a decision is made to impose NJP on an officer and when NJP is complete.
DC Only:

1. REVIEW: A Page 13 issued to one of your PERSREP clients.

2. REVIEW: An EMI Order for compliance with Navy Regulations.

3. ADVISE: A PERSREP client regarding a Non-Punitive Letter of Caution (NPLOC). Discuss the implications of receiving one.

4. ADVISE: A PERSREP client regarding a Letter of Instruction (LOI). Discuss the implications of receiving one.

RECOMMENDED ___________________ DATE ___________________

(PDO/Branch/OIC/Department Head)
7. Complaints/Inquiries

Review, sign, and date:

<table>
<thead>
<tr>
<th>Article 138, UCMJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 1150, U.S. Navy Regulations (1990)</td>
</tr>
<tr>
<td>JAGMAN, Chapter 3</td>
</tr>
<tr>
<td>Article 0820, U.S. Navy Regulations (1990)</td>
</tr>
<tr>
<td>SECNAVINST 5370. 5(series), “Department of the Navy Hotline Program”</td>
</tr>
<tr>
<td>SECNAVINST 5370.7(series), “Military Whistleblower Reprisal Protection”</td>
</tr>
<tr>
<td>DOD Directive 7050.6, “Military Whistleblower Protection”</td>
</tr>
<tr>
<td>SJA Update 10-09 (Complaints of Wrong)</td>
</tr>
</tbody>
</table>

Initial and Date:

1. DESCRIBE: Administrative differences between Article 138 and Article 1150 complaints.

2. REVIEW: The Navy Investigator General (IG) web page and the procedures and points of contact for making an IG Complaint.

DC Only:

1. REVIEW: Article 138 complaint drafted by a PERSREP client. Discuss the possible outcomes of that complaint.

2. REVIEW: Article 1150 complaint drafted by a PERSREP client. Discuss the possible outcomes of that complaint.

3. DISCUSS: With a PERSREP client how to make an IG complaint and the possible outcomes of that complaint.

4. DISCUSS: With a PERSREP client the concept of reprisal and the options a client has if the client is subject of reprisal or feels unsafe after making an IG or other official complaint.
5. DISCUSS: With a PERSREP client how to make a Congressional Complaint and the possible outcomes of that complaint.

RECOMMENDED ___________________________________________________________________

(PDO/Branch/OIC/Department Head) DATE ____________________
8. Non-Judicial Punishment

Review, sign, and date:

| ARTICLE 15, UCMJ                           |
| PART V, MCM                                 |
| JAGMAN, Chapter 1 (Sections 0106-0119)      |
| JAGMAN, Chapter 1 (Section 0124)            |
| MILPERSMAN 1611-010                         |
| MILPERSMAN 1626-020                         |
| MILPERSMAN 1626-030                         |
| MILPERSMAN 5812-010                         |
| NAVADMIN 373/11                              |

Initial and Date:

1. ________ DESCRIBE: Who has NJP authority and the limitations, if any, on their authority.

2. ________ KNOW: Any unique local arrangements concerning the exercise of NJP authority (Joint commands, TPU COs, etc.).

3. ________ EXPLAIN: The effect state court adjudications have on the ability of a command to administer NJP for the same acts.


5. ________ KNOW: The collateral administrative consequences of NJP for enlisted.

6. ________ KNOW: The collateral administrative consequences of NJP for officers.

7. ________ EXPLAIN: How prior NJPs can be used at subsequent courts-martial, both for same offenses and for different offenses

DC Only:

1. ________ DESCRIBE: To a PERSREP client how NJP is conducted, generally.
2. EXPLAIN: To a PERSREP client their rights at NJP, *Booker* rights, and the standard of proof at NJP.

3. EXPLAIN: To a PERSREP client lawful punishments and limitations at NJP.

4. EXPLAIN: To a PERSREP client the NJP appeal grounds and process.

5. REVIEW: NJP appeal drafted by a PERSREP client.

6. EXPLAIN: To a PERSREP client the process and criteria for a NJP Set Aside.

RECOMMENDED ________________________________ DATE _______________________

(PDO/Branch/OIC/Department Head)
9. Enlisted Administrative Separations

Review, sign, and date:

| MILPERSMAN 1910-100                      |   |
| DoD Instruction 1332.14 (Enlisted Administrative Separations) |   |
| MILPERSMAN 1910-233                     |   |
| MILPERSMAN 1910-210                     |   |
| MILPERSMAN 1910-212                     |   |
| MILPERSMAN 1910-302                     |   |
| MILPERSMAN 1910-400 through 410 and 414 |   |
| MILPERSMAN 1910-500 through 518         |   |
| MILPERSMAN 1910-600                     |   |
| MILPERSMAN 1910-700                     |   |
| MILPERSMAN 1910-702                     |   |
| MILPERSMAN 1910-704                     |   |
| MILPERSMAN 1910-106                     |   |
| MILPERSMAN 1910-140                     |   |
| MILPERSMAN 1910-142                     |   |
| MILPERSMAN 1910-144                     |   |
| MILPERSMAN 1910-146                     |   |
| MILPERSMAN 1910-152                     |   |
| MILPERSMAN 1910-170                     |   |
| MILPERSMAN 1910-120                     |   |
| MILPERSMAN 1910-122                     |   |
| 10 USC § 1407 (Retirement Pay Determination) |
| SECNAVINST 5300.28(series), Military Substance Abuse Prevention and Control |
| OPAVINST 5350.4 (series), Navy Alcohol and Drug Abuse Prevention and Control |
| Navy Urinalysis Coordinators (UPC) Handbook |
| MILPERSMAN 1600-100 |
| MILPERSMAN 1910-226 |

**Initial and Date:**

1. ________ EXPLAIN: The difference between Convening Authority and Separation Authority.

2. ________ EXPLAIN: The required board composition.

3. ________ EXPLAIN: Whether a Sailor can be subject to ADSEP proceedings past their EAOS.

4. ________ EXPLAIN: Lost Time and how it may affect a Sailor’s EAOS.

5. ________ UNDERSTAND: The process of retirement grade determinations.

**DC Only:**

1. ________ COUNSEL: The Respondent about rights concerning ADSEP. In an appropriate case, counsel a Respondent about rights to separation pay.

2. ________ COUNSEL: The Respondent regarding the possible benefits of ADSEP vs. court-martial in a case where that is a plausible option.

3. ________ DESCRIBE: Mandatory v. Discretionary processing to the Respondent if the case has a mandatory processing basis.


5. ________ EXPLAIN: To the Respondent the available Characterizations of Service and their implications for VA benefits and civilian employment.

6. ________ EXPLAIN: To the Respondent Conditional Waivers and whether or not the waiver is available and/or appropriate in their case.
7. ________ EXPLAIN: To the Respondent the situations in which PERS may take action contrary to the Board's recommendations.

8. ________ DRAFT: A letter of deficiency (LOD)

9. ________ DISCUSS: With the Respondent the Discharge Review Board and Board of Corrections for Naval Records procedures and the likelihood of getting his/her discharge upgraded.

RECOMMENDED ___________________________ DATE _______________________
(PDO/Branch/OIC/Department Head)
10. Advocacy Skills – ADSEP

Initial and Date:

1. __________ DISCUSS & EVALUATE: Your theme and theory of the case.

2. __________ CONDUCTING VOIR DIRE:
   a. PREPARE: A voir dire of board members; _____
   b. DEMONSTRATE: A challenge for cause against a board member; _____ and
   c. KNOW: The process for removing a board member for cause. _____

3. __________ CONDUCTING AN OPENING STATEMENT:
   a. PREPARE: An opening statement; _____
   b. DELIVER: An opening statement to fellow Trial/Defense Counsel in front of your STC/SDC or designee; _____
   c. DEMONSTRATE: The use of demonstrative aides and evidence during an opening statement; _____ and
   d. DELIVER: An opening statement at an ADSEP board. _____

4. __________ PREPARE & CONDUCT: A thorough practice session of your entire presentation of evidence in front of your STC/SDC or designee.

5. __________ THE CASE-IN-CHIEF:
   a. CONDUCT: A direct examination and re-direct examination of a witness; _____
   b. CONDUCT: A cross examination and re-cross examination of a witness; _____
   c. USE: Real evidence during a direct examination; _____
   d. USE: Real evidence during a cross examination; _____
   e. USE: Demonstrative evidence during a direct examination; _____
   f. USE: Demonstrative evidence during a cross examination; _____ and
   g. MAKE: An appropriate objection to the Senior Member during any witness examination. _____

6. __________ CONDUCTING A CLOSING STATEMENT:
   a. PREPARE: A closing statement; _____
   b. DELIVER: A closing statement to fellow Trial/Defense Counsel in front of your STC/SDC or designee; _____
   c. DEMONSTRATE: The use of demonstrative aides and evidence during a closing statement; _____ and
   d. DELIVER: A closing statement at an ADSEP board. _____

7. __________ KNOW: When it may be appropriate to object during a closing argument.
8. DEMONSTRATE: To fellow counsel at a thorough practice session in front of your STC/SDC or designee:
   a. The use of demonstrative aides during a closing argument; ____ and
   b. The use of real evidence during a closing argument. ____

9. DELIVER:
   a. A closing argument at an ADSEP board; ____ and
   b. A closing argument using demonstrative aides, real evidence, or both. ____

RECOMMENDED ___________________________ DATE___________________
(PDO/Branch/OIC/Department Head)
11. Pre-Trial/Case Screening

Review, sign, and date:

<table>
<thead>
<tr>
<th>U.S. Army JAG School Criminal Law Deskbook — Pleadings</th>
</tr>
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<tbody>
<tr>
<td>Article 25, UCMJ</td>
</tr>
<tr>
<td>MILPERSMAN 1910-208</td>
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<tr>
<td>R.C.M. 304, 305</td>
</tr>
<tr>
<td>JAGINST 5803.1 [series]</td>
</tr>
</tbody>
</table>

Initial and Date:

1. _______ CALCULATE: An accused's period of pre-trial restraint, as applicable.

2. _______ EXPLAIN: The rules regarding pre-trial restraint pursuant to R.C.M. 304 and 305.

3. _______ UNDERSTAND: How this may impact pre-trial negotiations and the court-martial process.

4. _______ PREPARE: A proof matrix which analyzes all supported charges and specifications.

5. _______ REVIEW: A convening order and explain its requirements. Review Article 25(d)(2), UCMJ for qualifications.

6. _______ IDENTIFY: The steps required in the preferral process.

7. _______ IDENTIFY: The steps required in the referral process.

TC Only:

1. _______ READ: A Report of Investigation (ROI) and identify areas for further investigation. Specifically execute the following steps and initial upon completion:

   a. Ensure all exhibits are present. ______
   b. Contact the RA to ensure that nothing is missing. ______
   c. Secure all interview discs/Cellebrites/etc. mentioned in ROI. ______
   d. Assess whether the investigation is closed or ongoing (determine whether a request to NCIS to conduct further investigation, should be explored). ______
2. _________ CONDUCT: Pre-screening of a case using TCAP Case Screening Guidelines – identify possible charges, think about charging theories, forum, CA goals, potential costs and proposed dispositions of a case – prepare to brief the CA on case.

3. _________ DOCUMENT: An accused’s End of Active Obligated Service (EAOS). EXPLAIN how to involuntarily extend an accused past his EAOS using a “Legal Hold.” UNDERSTAND how this may impact the administrative separation process and pre-trial negotiations.

4. _________ From a given set of charges and specifications:
   a. IDENTIFY: Any drafting/pleading errors contained in the sample. _______
   b. DISTINGUISH: Between fatal (material) and non-fatal (immaterial) defects in specifications. Give an example. _______
   c. DISTINGUISH: Between fatal (material) and non-fatal (immaterial) variance in specifications. Give an example. ______

5. _________ DRAFT: A complete charge sheet, including all appropriate charges and specifications. Use the sample specifications in the MCM and the elements and instructions in the Military Judges’ Benchbook. Consult the relevant chapter(s) of the U.S. Army JAG School Criminal Law Deskbook Volume II – Crimes and Defenses.

6. _________ IDENTIFY: The purpose of block 13, receipt by summary court-martial officer.

7. _________ IDENTIFY: The remedies available and the applicable deadlines for correction of pleading defects.

8. _________ SCREEN: A completed DD Form 458 Charge Sheet (all blocks) utilizing the checklist provided by your Senior Trial Counsel.

9. _________ ADMINISTER: The oath to an individual qualified to prefer charges.

10. _________ UNDERSTAND Procedures for release of information to Public Affairs Officers or to the media at various stages of process; Art. 32 hearing versus SPCM/GCM (post-referral).

RECOMMENDED ___________________________ DATE ________________
(PDO/Branch/Department Head)
# 12. Witness Interviews

**Review, sign, and date**

<table>
<thead>
<tr>
<th>DC Only</th>
<th>DCAP Deskbook Chapter 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Article 46, UCMJ</td>
<td></td>
</tr>
<tr>
<td>JAGINST 5803.1[series]</td>
<td></td>
</tr>
</tbody>
</table>

**Initial and Date:**

1. REVIEW: statement(s) of an alleged sexual assault victim with a core counsel.

2. PREPARE: An outline for a witness interview of an alleged victim in a sexual assault case with TC/detailed Defense Counsel.

3. OBSERVE: Preparing a client (DC) or alleged victim (TC) to testify in a contested case.

4. PREPARE: An outline for a witness interview for an upcoming fact witness in a contested court-martial and discuss with TC/detailed Defense Counsel.

RECOMMENDED_________________________ DATE_________________________

(PDO/Branch/OIC/Department Head)
# 13. Speedy Trial

## Review, sign, and date:

| R.C.M. 707 |  |
| Article 10, UCMJ |  |
| CAAF Opinion Digest – Right to Speedy Trial |  |

## Initial and Date:

1. **DISCUSS:** With STC/SDC:
   
   a. Two types of speedy trial requirements; _____
   
   b. 5th Amendment considerations with respect to Speedy Trial. _____
   
   c. 6th Amendment considerations with respect to Speedy Trial _____
   
   d. The legal standards for speedy trial under R.C.M. 707 and Article 10, UCMJ; _____
   
   e. Identify speedy trial/re-sentencing requirements on a mandated case; _____
   
   f. Documentation needed in order to preserve delay; _____
   
   g. Triggering events for each type of speedy trial requirement to include personal jurisdiction; _____
   
   h. What stops, and what does not stop, the speedy trial clock; _____
   
   i. Milestone events with regard to speedy trial; _____
   
   j. “Excludable delay” and in what form it should be;
   
   k. Discuss who can request excludable delay and for what; _____
   
   l. Need for accurate accounting of speedy trial triggering events and excludable delays; _____
   
   m. Identify whether a speedy trial motion under R.C.M. 707 or Article 10 can be waived.
   
   n. Identify who needs to be notified regarding documentation with respect to Speedy Trial in a pre-trial confinement or restriction case; _____

2. **COMPLETE:** A daily activity log on a case.

3. **DRAFT:** An excludable delay request (DC) or endorsement explicitly attributing delay to defense (TC).

**RECOMMENDED**

(PDO/Branch/Department Head) 

**DATE**

Page 27 of 44
14. Discovery

Review, sign, and date:

<table>
<thead>
<tr>
<th>R.C.M. 701 and 914</th>
</tr>
</thead>
<tbody>
<tr>
<td>M.R.E. 304(d), 312, 321, 403, 404(b), 413, 414, 507, 609(b), 612, 703, and 807</td>
</tr>
<tr>
<td>Brady v. Maryland, 373 U.S. 83 (1963)</td>
</tr>
<tr>
<td>United States v. Lucas, 5 M.J. 167 (C.M.A. 1978)</td>
</tr>
<tr>
<td>United States v. Simmons, 38 M.J. 376 (C.M.A. 1993)</td>
</tr>
<tr>
<td>Jencks Act, 18 U.S.C. § 3500</td>
</tr>
<tr>
<td>United States v. Henthorn, 931 F.2d 29 (9th Cir. 1991)</td>
</tr>
<tr>
<td>DoD Health Information Privacy Regulation (DoD 6025.18-R)</td>
</tr>
<tr>
<td>JAGINST 5813.1[series]</td>
</tr>
</tbody>
</table>

Initial and Date:

1. EXPLAIN: The standardized electronic discovery process used in your area of practice.

2. EXPLAIN: The difference between discovery under R.C.M. 701 and production under R.C.M. 703.

3. EXPLAIN: Which files the government must review to fulfill its Brady obligations.

4. EXPLAIN: The government's obligations under Jencks Act and R.C.M. 914.

5. EXPLAIN: Henthorn, Jencks and Giglio requests and how that information may be obtained.
6. ________ EXPLAIN: The receipt of discovery procedures in your local circuit.

TC Only:

1. ________ DISCUSS: Pre-referral investigative tools.

2. ________ DRAFT: A *Henthorn* request to an agency. Explain the differences between obtaining information from military law enforcement vice state law enforcement.

3. ________ RESPOND: To a Defense discovery request indicating what material has been provided to the Defense and what actions the Government has taken regarding any other requests.

4. ________ EXPLAIN: How to handle evidence in a child pornography case. Review JAG/CNLSINST 5814.1D.

DC Only:

1. ________ DRAFT: A discovery request.

RECOMMENDED ________________________ DATE__________________
(PDO/Branch/Department Head)
15. Article 32 Preliminary Hearings

Review, sign, and date:

<table>
<thead>
<tr>
<th>Articles 32 – 35, 38, UCMJ</th>
</tr>
</thead>
<tbody>
<tr>
<td>R.C.M. 405 and Analysis of R.C.M. 405</td>
</tr>
</tbody>
</table>

Initial and Date:

1. EXPLAIN: How to secure an Article 32 preliminary hearing officer and what qualifications the preliminary hearing officer should possess.

2. DISCUSS: GCMCA policy regarding conditional waivers, if any.

3. EXPLAIN: Which M.R.E.s apply at an Article 32 hearing.

4. EXPLAIN: The rules regarding alternatives to testimony at an Article 32 hearing.

5. EXPLAIN: Witness availability issues for an Article 32 hearing and government’s lack of authority to subpoena witnesses for an Article 32 hearing.

6. EXPLAIN: The procedures for inviting a civilian witness to an Article 32 hearing.

7. EXPLAIN: The procedures for inviting an alleged victim to an Article 32 hearing.

8. EXPLAIN: The difference between a conditional and an unconditional waiver of an Article 32 hearing.

TC Only:

1. PREPARE: Article 32 script.

2. DRAFT: A Preliminary Hearing Officer (PHO) appointing letter.

3. REVIEW: A PHO report and discuss with your STC.

4. ASSIST: The accused’s command in drafting an endorsement to the GCMCA.

5. DEMONSTRATE: A working knowledge of the court reporting equipment to record the Article 32 proceedings.

RECOMMENDED ___________________________ DATE ___________________________
(PDO/Branch/Department Head)
16. Arraignment and Notices

Review, sign, and date:

<table>
<thead>
<tr>
<th>R.C.M. 904</th>
</tr>
</thead>
<tbody>
<tr>
<td>Army Trial Guide</td>
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<tr>
<td>M.R.E. 304, 311, and 321</td>
</tr>
<tr>
<td>R.C.M. 804</td>
</tr>
<tr>
<td>R.C.M. 905, 906, and 907</td>
</tr>
<tr>
<td>M.R.E. 103 and 104</td>
</tr>
<tr>
<td>R.C.M. 108, 308, 405, 602(discussion), 701(a), 702(e), 703(d), 706(a), 910(f)(2), and 914</td>
</tr>
<tr>
<td>M.R.E. 202, 301(c)(2), 302, 304(d), 311, 321, 404(b), 412, 413, 414, 505, 506, 507, 514, 609(b), 612, 613, and 902</td>
</tr>
<tr>
<td>Article 37, UCMJ</td>
</tr>
<tr>
<td>U.S. Army JAG School Criminal Law Deskbook - Motions (Volume III)</td>
</tr>
<tr>
<td>U.S. Army JAG School Criminal Law Deskbook - Unlawful Command Influence (Volume II)</td>
</tr>
</tbody>
</table>

Initial and Date:

1. ________ KNOW: What an arraignment is and why it is significant.

2. ________ KNOW: What information must be provided to the defense prior to arraignment.

3. ________ KNOW: The requirements in the Uniform Rules and local rules for motions, including form and filing deadlines.

4. ________ KNOW: What documents, cases, or other matters should be attached to all motions:
   a. The evidentiary requirements for motions generally. Discuss the distinction between motions that raise only matters of law versus motions that raise matters of both fact and law. ________
   b. Discuss a proffer and whether it constitutes evidence. ________
   c. Demonstrate what evidence (witnesses, documents, etc.) is required to support your motion and your plan for getting that evidence admitted. ________
5. ________ OBSERVE: Core counsel prepare a witness for testimony during a motions hearing.

6. ________ EXPLAIN: A Daubert hearing and when it is used.

7. ________ EXPLAIN: The actions that may constitute unlawful command influence (UCI) and how UCI can impact a court-martial.

RECOMMENDED_________________________ DATE_________________________
(PDO/Branch/Department Head)
17. Motions and Objections

Review, sign, and date:

<table>
<thead>
<tr>
<th>M.R.E. 103 and 104</th>
</tr>
</thead>
<tbody>
<tr>
<td>Your local rules of Court, paying particular attention to the sections on motions practice.</td>
</tr>
<tr>
<td>R.C.M. 905, 906, and 907</td>
</tr>
<tr>
<td>M.R.E. 202, 301(c)(2), 302, 304(d), 311, 321, 404(b), 412, 413, 414, 505, 506, 507, 514, 609(b), 612, 613, and 902</td>
</tr>
<tr>
<td>U.S. Army JAG School Criminal Law Deskbook - Motions (Volume III)</td>
</tr>
</tbody>
</table>

Initial and Date:

1. _________ REVIEW: The Notice obligations under:
   a. R.C.M. 701 (a)(4)
   b. R.C.M. 701(b); _____
   c. R.C.M. 703(d)
   d. R.C.M. 903(c)(1) _____

2. _________ DRAFT:
   a. A motion for review by the SDC /STC; _____ and
   b. Proposed findings of fact and conclusion of law for the motion for review by the SDC /STC. _____

3. _________ LIST: The six issues that must be raised by defense counsel before entering a plea, R.C.M. 905(b).

4. _________ DESCRIBE: What defense counsel must do to preserve issues with a conditional plea.

5. _________ LIST: The four issues that are non-waivable.

6. _________ MOTIONS in limine:
   a. Explain the significance of a motion in limine; _____
   b. Provide two (2) examples of issues that would be appropriate for motions in limine.
   c. Discuss when motions in limine can be filed; _____

7. _________ KNOW: The effect that a tentative ruling or the military judge’s failure to rule on a motion (in limine or otherwise) or objection has on whether the issue is preserved.
8. _________ KNOW: What an objection must contain – at a minimum – to properly preserve an issue. Note: some motions and objections must contain more, depending on the issue.


10. _________ KNOW: How to preserve a *Batson* challenge.

11. _________ KNOW: How to preserve issues that arise during an 802 conference.

12. _________ KNOW: How a tactical decision by the DC may waive an issue that was properly raised. Give an example of a strategic reason not to raise a proper objection.

13. _________ KNOW: How to preserve an issue relating to an Article 32 investigation.

RECOMMENDED ............................................................. DATE__________________
(PDO/Branch/Department Head)
# 18. Pre-Trial/Plea Agreements

**Review, sign, and date:**

<table>
<thead>
<tr>
<th>Article 58 and 76, UCMJ</th>
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<tbody>
<tr>
<td>JAGMAN Section 0152</td>
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<tr>
<td>R.C.M. 1109</td>
</tr>
<tr>
<td>R.C.M. 811</td>
</tr>
<tr>
<td>MILITARY EVIDENTIALY</td>
</tr>
<tr>
<td>FOUNDATIONS §12-2 (Also required for</td>
</tr>
<tr>
<td>Core Competencies 12, Stipulations)</td>
</tr>
<tr>
<td><em>United States v. Berielson,</em> 3 M.J. 314 (C.M.A. 1977)</td>
</tr>
<tr>
<td>THE LAUTENBERG AMENDMENT, 18</td>
</tr>
<tr>
<td>DEFENSE FORM (DD) 2760.</td>
</tr>
<tr>
<td>Military Judges’ Benchbook</td>
</tr>
<tr>
<td>2-2-6</td>
</tr>
<tr>
<td>U.S. Army JAG School Criminal Law</td>
</tr>
<tr>
<td>Deskbook – Pleas and Pretrial</td>
</tr>
<tr>
<td>Agreements (Volume II)</td>
</tr>
</tbody>
</table>

**Initial and Date:**

1. **EXPLAIN:** The procedures for a vacation hearing by the CA (see Article 72, UCMJ and R.C.M. 1109).

2. **DISCUSS:**
   a. Process of negotiating a PTA;
   b. Jurisdictional sentencing limits of SCM, SPCM, and GCM;
   c. Terms and provisions which must be included in a written PTA;
   d. Terms and conditions which are prohibited in a PTA;
   e. Under what circumstances either party may withdraw from a PTA;
   f. What is and what are the pitfalls of a “sub rosa” agreement?
   g. What is a conditional plea? What are the ramifications of entering into one?
   h. What PTA terms can be used to benefit the victim and/or the accused’s dependents?
   i. Why an accused’s EAOS should be considered during PTA negotiations?

3. **DRAFT:** A PTA with the following provisions using the online PTA template:
a. Waiver of administrative separation board; 

b. Request trial by military judge alone; 

c. Waiver of Article 32 investigation; 

d. Complete restitution; 

e. Cooperate in investigation; 

f. Identify other criminals and/or criminal activities; 

g. Testify as a witness in other case(s); 

h. Waiver of a specific motion; 

i. Explicit, specific waiver of Article 13, UCMJ motion; 

j. Enter into a stipulation of fact with the government; 

k. Not request witnesses at government expense; 

l. Not object to specific pre-sentencing evidence on specific grounds; 

m. A plea to an LIO; 

n. A plea by exceptions and substitutions; 

o. Withdraw or dismiss charges based on pleas to LIO; 

p. Waiver of forfeiture and reduction; 

q. Waiver of statute of limitations; 

r. Request for deferral and waiver of forfeitures in favor of dependents. 


5. ________ OBSERVE: The STC/SDC or TC/DC conduct PTA negotiations.

6. ________ CONDUCT: PTA negotiations with the assigned trial-defense counsel on a case on which you are assisting.

7. ________ DRAFT: A stipulation of fact, using the Military Judges’ Benchbook and the MCM that addresses all elements of Articles to which you are entering into a Stipulation of Fact.

8. ________ OBSERVE: The use of a Stipulation of Fact at trial.

9. ________ DISCUSS: A SILT, when it is applicable, how it is drafted, and when it can be used.

10. ________ DISCUSS: Segmented sentencing and negotiating a sentencing range.

RECOMMENDED ___________________ DATE ___________________  
(PDO/Branch/OIC/Department Head)
19. Stipulations

Review, sign, and date:

<table>
<thead>
<tr>
<th>R.C.M. 811</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>M.R.E. 410</td>
<td></td>
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</tbody>
</table>

MILITARY EVIDENTIAL FOUNDATIONS §12-2 (Also required for Core Competencies 9, Pre-Trial Agreements)

*United States v. Bertelson, 3 M.J. 314 (C.M.A. 1977)*

Military Judges’ Benchbook Ch. 2, § VII, para 2-7-25

Initial and Date:

1. ________ KNOW:
   a. Distinguish stipulations of fact from stipulations of expected testimony; _____
   b. What should/should not be in a stipulation of fact?; _____
   c. Proper and authorized uses at trial of a stipulation of fact or a stipulation of expected testimony; _____ and
   d. Judicial notice. _____

2. ________ KNOW: Are stipulations required in a guilty plea case? Is there any way the accused’s stipulation may be used against the accused if the government withdraws from the PTA?

3. ________ DISCUSS: The advantages/disadvantages of using stipulations in other contexts (contested case or at sentencing)? What are the accused’s confrontation rights as to witnesses and other evidence? Discuss situations where it may be helpful to utilize a stipulation, and scenarios where it may not be beneficial.

**TC Only:**

1. ________ DRAFT: A stipulation of fact and a stipulation of expected testimony for a case with which you are assisting a Trial Counsel

RECOMMENDED (PDO/Branch/OIC/Department Head)  DATE
20. Trial Preparation: Evidence and Witnesses

Review, sign, and date:

<table>
<thead>
<tr>
<th>M.R.E. 607, 608, 609, 612, and 613</th>
</tr>
</thead>
<tbody>
<tr>
<td>Military Evidentiary Foundations Guide</td>
</tr>
<tr>
<td>R.C.M. 701(c)</td>
</tr>
<tr>
<td>R.C.M. 703(e)(2)</td>
</tr>
<tr>
<td>R.C.M. 914A and 914B</td>
</tr>
</tbody>
</table>

Initial and Date:

1. _________ PREPARE: The foundation to admit a document.

2. _________ EXPLAIN: How to present a piece of self-authenticating evidence (i.e. blue ribbon copy of service record) and when it can be used.

3. _________ EXPLAIN: How to conduct a presentation of documentary evidence with witness authentication.

4. _________ applicability.

5. _________ EXPLAIN: The procedure for issuing subpoenas to civilian witnesses and invitational orders to witnesses not subject to subpoena pursuant to R.C.M. 703(e)(2).

6. _________ PREPARE: A response to a defense request for an expert witness (TC) or a request for an expert witness (DC).

7. _________ OBSERVE: Preparing a client (DC) or alleged victim (TC) to testify in a contested case, including for direct and cross-examination.

TC Only:

1. _________ DRAFT: A Subpoena Duces Tecum to obtain documentary evidence and discuss how it can be used. Discuss the difference between using a subpoena and obtaining a warrant, and limitations of each.

2. _________ DRAFT: A preservation request for documentary evidence or electronic/content information, such as text message, email, social media posts.
3. \underline{\text{DRAFT: A subpoena for a witness.}}

\underline{RECOMMENDED\hspace{2cm} DATE}\n\hspace{2cm}\underline{(PDO/Branch/Department Head)}
# 21. Case (Members)

**Review, sign, and date:**

| R.C.M. 913 |   |
| R.C.M. 919 |   |
| R.C.M. 908 |   |
| R.C.M. 919 |   |

**Initial and Date:**

1. **REVIEW:** The requirements for a proper Convening Order and amendments to a Convening Order, focusing on member selection.

2. **REVIEW:** The members’ questionnaires selected by the Convening Authority.

3. **PREPARE:** Group and individual voir dire of members.

4. **EXPLAIN:** The challenge process. **UNDERSTAND** the difference between challenges based upon implied bias and actual bias. **REVIEW** quorum requirements necessary for SPCM or GCM.

5. **OBSERVE/DISCUS WITH STC:** The presentation of rebuttal evidence.

6. **PREPARE:** Members’ Findings Instructions and a Findings worksheet.

7. **READ:** An existing record of trial where rebuttal evidence was properly submitted.

**TC Only:**

1. **PREPARE** and **UNDERSTAND:** The trial script for empaneling members.

2. **THE CASE-IN-CHIEF**
   
a. **EXPLAIN:** How to respond to a defense motion under R.C.M. 917 at the conclusion of the government’s case/know the standard of proof for this motion.

   b. **REVIEW:** Procedures to request a Government appeal under R.C.M. 908 including points of contact at Navy TCAP and Code 46.

**RECOMMENDED**  
(PDO/Branch/OIC/Department Head)  
**DATE**
22. Sentencing Case

Review, sign, and date:

<table>
<thead>
<tr>
<th>R.C.M. 1001</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Chapter X of the MCM</td>
<td></td>
</tr>
<tr>
<td>JAGMAN Section 0141</td>
<td></td>
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<tr>
<td>R.C.M. 1001(g)</td>
<td></td>
</tr>
<tr>
<td>Military Judges’ Benchbook Judge Alone Sentencing and Members Sentencing</td>
<td></td>
</tr>
<tr>
<td>U.S. Army JAG School Criminal Law Deskbook – Findings and Sentencing (Volume III)</td>
<td></td>
</tr>
<tr>
<td>R.C.M. 1001A, 1002, 1003</td>
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<tr>
<td><strong>DC Only:</strong> DCAP Deskbook Chapter on Sentencing</td>
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</tbody>
</table>

Initial and Date:

1. _________ EXPLAIN: The limits on evidence in aggravation.

2. _________ DISCUSS: The differences between Extenuation and Mitigation evidence.

3. _________ EXPLAIN: The impact of relaxing the rules of evidence and how it is controlled. Give an example of when it would be advantageous not to relax the rules of evidence.

4. _________ OBSERVE: A presentencing phase of a court-martial and argument on sentence.

5. _________ KNOW: Local confinement facility requirements for an accused convicted at court-martial.

6. _________ ASSIST: Preparation of a pre-sentencing case.
REV October 2019

7. ________ ASSIST: Preparation of a sentencing argument.

RECOMMENDED ___________________________ DATE_____________________

(PDO/Branch/OIC/Department Head)
23. Post-Trial Duties and Administrative Actions

Review, sign, and date:

<table>
<thead>
<tr>
<th>Articles 54, 57, 60, and 65 UCMJ</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>United States v. Moreno</em>, 63 M.J. 135</td>
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<tr>
<td>(C.A.A.F. 2006)</td>
</tr>
<tr>
<td>CNLSCINST 5800.4 [series], paragraph h.(11)</td>
</tr>
</tbody>
</table>

Initial and Date:

1. _________ REVIEW/DISCUSS: JAG/CNLSC 5814.1B – Post-Trial Processing for cases referred before 1 Jan 19.

2. _________ REVIEW/DISCUSS: JAG/CNLSC 5814.1D – Post-Trial Processing for cases referred to after 1 Jan 19.

DC Only:

1. _________ DISCUSS: Submitting clemency as a defense counsel.

TC Only:

2. _________ OBSERVE: A TC prepare post-trial paperwork and conduct post-trial notifications including VWAP.

3. _________ PREPARE: A Report of Results of Trial/Statement of Trial Results (MJA16) for STC review and signature by the military judge.

4. _________ COMPLETE: A Confinement Order.

5. _________ ASSEMBLE: All required paperwork that must accompany an accused to the brig.

6. _________ DISCUSS: Preparing the Entry of Judgement.

RECOMMENDED ___________________________ DATE ________________

(PDO/Branch/Department Head)
TRIAL OR DEFENSE COUNSEL

RECOMMENDED ___________________________ DATE ________________
(PDO/Branch/Department Head)

I CERTIFY THAT ___________________________ HAS COMPLETED THE
PROFESSIONAL DEVELOPMENT STANDARDS REQUIRED OF A TRIAL/DEFENSE
COUNSEL.

_________________________ DATE ________________
Commanding Officer
[Command]

[Once complete, command retains a copy of this page and the original goes to Officer for retention]