



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE, SUITE 3000
WASHINGTON NAVY YARD DC 20374-5066

IN REPLY REFER TO:

JAGINST 1150.2B
Code 05

MAY 15 2012

JAG INSTRUCTION 1150.2B

From: Judge Advocate General

Subj: MILITARY JUSTICE LITIGATION CAREER TRACK

Ref: (a) NAVPERS 15839, Volume I
(b) MILPERSMAN 1214-010
(c) MILPERSMAN 1610-010
(d) JAGINST 5803.1(series)
(e) JAGINST 1150.1A
(f) JAGINST 1320.1(series)
(g) JAG/CNLSCINST 1500.2B
(h) Title 10 U.S. Code Section 615(b)(4)

Encl: (1) Sample Application Form
(2) Experience Requirements
(3) Recommendation Form
(4) MJLQ Required Billets
(5) 1202 SSB Educational Skill Requirements
(6) Sample Litigation Career Path

1. Purpose. To establish procedures for recruiting, identifying, selecting, retaining and promoting military justice litigation specialists and experts in the Navy Judge Advocate General's (JAG) Corps.

2. Cancellation. JAGINST 1150.2A.

3. Discussion

a. The Navy JAG Corps' personnel strategy is to identify and cultivate critical skill sets needed by its members to best serve the Fleet. This includes the training, skill and experience counsel and judges need to litigate complex criminal cases, achieve and maintain the highest quality of representation for the government and for Sailors and Marines accused of crime, thereby ensuring a military justice process that is, and that is perceived to be, just. The JAG Corps recognizes that litigation skills are perishable; therefore, we must identify judge advocates with the requisite education,

training, experience and aptitude to litigate and preside over complex cases and to continue to cultivate their development.

b. The number of counsel dedicated to litigation must correspond to the expected productivity of counsel. Experience levels directly impact productivity. Increasing the litigation experience of a select number of military justice litigators will allow the JAG Corps to maximize productivity and to realign resources to meet other Fleet legal requirements.

c. This instruction maintains a military justice litigation career track to identify, develop and retain those judge advocates who have demonstrated significant military justice knowledge and trial advocacy skills, and to provide the opportunities and necessary career path to hone and grow their experience. Military justice litigation specialists and experts will fill litigation-intensive billets that will ensure the effectiveness and efficiency of the courts-martial process. A robust community of military justice litigators will form the nucleus for reach-back capability for trial practitioners and staff judge advocates worldwide. Judge advocates with significant sustained expertise in trial litigation may also fill emergent individual augmentation assignments that involve criminal justice, military justice, or litigation.

d. Military justice litigation expertise warranting designation as a SPECIALIST or EXPERT shall include significant quantitative and qualitative criminal court room litigation experience and demonstrated proficiency in military justice procedure. Designation for the MJLCT will require candidates to demonstrate extensive courtroom experience. As officers seek to advance, they will be required to demonstrate both increased courtroom experience and continued growth in litigation leadership. Candidates will generally be eligible for initial selection as a Specialist I at the four-year point, and will be given six years to advance to Specialist II. Designation as Specialist II will generally occur at the ten-year point, and will provide officers an additional seven years to advance to Expert, which will generally occur at the 17-year point. Officers who do not advance to the next MJLCT certification level within the prescribed time, and whose designation lapses into "inactive" status as a result, may reapply for active MJLCT designation to their former certification level.

(1) A judge advocate who has demonstrated proficiency in the courtroom and the potential to develop into a seasoned

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litigator may be designated with the SPECIALIST I MILITARY JUSTICE LITIGATION QUALIFICATION.

(2) After initial designation as a SPECIALIST I, a judge advocate who demonstrates sufficient qualitative and quantitative experience in military justice litigation and significant professional development as a naval officer may be designated with the SPECIALIST II MILITARY JUSTICE LITIGATION QUALIFICATION.

(3) A judge advocate with significant quantitative and qualitative criminal court room litigation experience who has demonstrated the ability to lead junior counsel while serving as a SPECIALIST II may be designated with the EXPERT MILITARY JUSTICE LITIGATION QUALIFICATION. Demonstrated leadership involves more than serving in a designated leadership billet. Demonstrated leadership includes, among other attributes, first-chair representation in a mentoring role, second-chair representation in an oversight role, providing training to junior counsel, directly supervising junior counsel in all aspects of litigation as well as overall Navy administration, assisting counsel with case preparation, and managing a regional case docket.

(4) SPECIALIST I, II or EXPERT designation will entitle a judge advocate to the Military Justice Litigation subspecialty code (1202) in accordance with references (a) and (b).

e. Military Justice Litigation Qualification will generally be required for consideration of detailing of officers into billets requiring significant litigation experience or supervision of junior officers performing military justice litigation. Additional qualifications may be required at the discretion of the JAG for specified intensive military justice litigation billets. The number of judge advocates approved for the qualification each year may be limited by the JAG based on the anticipated needs of the JAG Corps.

4. Military Justice Litigation Qualification (MJLQ)

a. Application for the SPECIALIST I MJLQ. Applications must be submitted to the President, Military Justice Litigation Qualification Selection Board, via the chain-of-command, with an endorsement from the candidate's commanding officer (if the same commanding officer provides an endorsement or recommendation for more than one candidate at any one board, the endorsement or

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recommendation shall indicate the comparative ranks of the candidates). A format for the application is provided at enclosure (1).

(1) An active duty judge advocate who entered the service through student programs may seek the SPECIALIST I MJLQ at any time after completing one year of service following selection for career status. Recognizing that direct accessions (DA) and Law Education Program (LEP) officers may have significant experience preceding assignment to their first duty station as a judge advocate, DA and LEP officers may apply at any time after competing twelve months in their first judge advocate duty assignment. Although not binding on the selection board, attainment of the SPECIALIST I MJLQ will generally require the experience outlined in enclosure (2).

(2) Candidates must submit:

(a) Two recommendations. At least one recommendation must be from a judge before whom the officer practiced. The second recommendation must be from an EXPERT MJLQ officer. If a candidate is unable to obtain a recommendation from a judge or an EXPERT MJLQ officer, a recommendation may be submitted from a current or former commanding or executive officer familiar with the candidate's body of litigation experience. The applicant shall provide a justification for non-inclusion of a judge or EXPERT recommendation when warranted. Any officer who provides a recommendation for more than one candidate at any one board must indicate the comparative ranks of the candidates. Enclosure (3) is the required form for all recommendations.

(b) One writing sample, or a representative excerpt of a writing sample, that may not exceed ten pages. The sample should be an actual court filing, published article or judicial ruling.

(c) All officer fitness reports.

(d) Copy of the OSR/PSR.

(e) One record of trial excerpt each of a direct examination, cross-examination, closing argument, and sentencing argument. Each excerpt may not exceed ten pages of a court record.

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(f) A summary of three cases tried. Litigation experience is not limited to courts-martial tried while on active duty. The significance of the cases summarized must be confined to five lines of text and articulate the components of the case that the applicant believes merit the board's consideration.

(g) A brief summary of all litigation experience.

(h) A list of duty stations, billet assignments (including number of attorneys supervised, if applicable) and awards received.

(i) A personal statement detailing the reasons the applicant requests designation.

b. Request for the SPECIALIST II MJLQ. An active duty judge advocate who has previously been selected as a SPECIALIST I may apply for redesignation to SPECIALIST II after completing three years in a litigation billet while designated as a SPECIALIST I, but will ordinarily not be qualified as a SPECIALIST II before completing five years as a SPECIALIST I. Board application for redesignation to SPECIALIST II is not required. Application to SPECIALIST II will be by letter request, addressed to the Judge Advocate General, via a supervisory MJLQ officer within the chain-of-command (or, where a supervisory MJLQ supervisor is not available, via the Circuit Military Judge) with an endorsement from the candidate's commanding officer via the Chief Judge, Department of the Navy (CJDON), the sub-community sponsor (if the same commanding officer provides an endorsement or recommendation for more than one candidate at any one board, the endorsement or recommendation shall indicate the comparative ranks of the candidates). If the commanding officer is an MJLQ Expert, an additional endorsement by an MJLQ officer is not necessary. The endorsers should comment with particularity on the quantity and quality of litigation practice experienced by the applicant. The CJDON will present all such requests to the next MJLQ SPECIALIST I selection board for review and recommendation to the JAG via the CJDON. This process will reduce the administrative burden of multiple board applications, while documenting the progression of experience needed to advance from SPECIALIST to EXPERT, and provide information needed for the detailing of MJLQ officers to billets of increasing responsibility.

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(1) Required active duty billets are provided at enclosure (4). Attainment of the SPECIALIST II MJLQ will generally require the experience outlined in enclosure (2).

(2) Requests for SPECIALIST II MJLQ designation may be in letter format, indicating the specific qualifications from enclosure (2) achieved by the applicant. The qualifications achieved since initial designation as SPECIALIST I should be specifically detailed.

c. Application for the EXPERT MJLQ. Only judge advocates designated with the SPECIALIST II MJLQ may apply for designation as EXPERT MJLQ. Active duty judge advocates designated with the SPECIALIST II MJLQ may apply for designation with the EXPERT MJLQ at any time after completing a minimum of three years duty as a SPECIALIST II in one or more required billets (approved Trial Advocacy LL.M. programs shall qualify as "required" billets), plus two years in a non-MJLQ billet (to be completed while designated as a SPECIALIST I or II). Required active duty MJLQ billets are provided at enclosure (4). Ordinarily, applicants will not be qualified for advancement to EXPERT prior to completing five years of service in the billets indicated. Furthermore, due to the requirement for demonstrated leadership experience, applicants completing five years of service are not guaranteed designation with the EXPERT MJLQ. An LL.M. in Trial Advocacy or equivalent experience is required. Although not binding on the selection board, attainment of the EXPERT MJLQ will generally require the experience outlined in enclosure (2).

(1) Applications must be submitted to the President, Military Justice Litigation Qualification Selection Board, via the chain-of-command with an endorsement from the candidate's commanding officer (if the same commanding officer provides an endorsement or recommendation for more than one candidate at any one board, the endorsement or recommendation shall indicate the comparative ranks of the candidates). A format for the application is provided at enclosure (1).

(2) Applications for EXPERT MJLQ must follow the same format as applications for SPECIALISTS. Particular attention should focus on the additional experience and leadership demonstrated since obtaining SPECIALIST designation.

5. Certification Periods. SPECIALIST I designation shall be for a period of not greater than six years from the date of original designation, or from the date of this instruction,

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whichever is longer. Designation as a SPECIALIST II shall be for a period of not greater than seven years. Judge advocates previously designated as EXPERTS as of the date of this instruction will retain EXPERT designation; those previously designated as SPECIALIST automatically will be re-designated as SPECIALIST I, but may seek immediate advancement as SPECIALIST II. Judge advocates designated as SPECIALIST I who are not advanced to SPECIALIST II within six years of their designation shall be removed from the list of active MJLQ officers and shall be designated as "inactive." Judge advocates designated as SPECIALIST II who are not advanced to EXPERT within seven years of their designation to SPECIALIST II shall be removed from the list of active MJLQ officers and shall be designated as "inactive." All MJLQ officers shall report a change of status to their reporting seniors, who shall document the change in status, e.g. from "Specialist II" to "Expert" or from "active" to "inactive" in the fitness report covering the reporting period in which the change occurs, per reference (c). Judge advocates whose designation lapses under this provision may reapply before any board for re-designation as a SPECIALIST I, or by letter request, for SPECIALIAT II.

6. Assignment to Post-Graduate Education in Trial Advocacy. A judge advocate may not be assigned to a trial advocacy LL.M. curriculum without previously receiving the SPECIALIST I MJLQ, and must be in an active MJLQ status at the time of assignment. Officers who complete the TRIAD LL.M. will not be designated as a SPECIALIST II except upon application, board selection, and approval by the Judge Advocate General.

7. Selection Procedures

a. The JAG will convene an annual selection board, at a date, time and location convenient to the administration of the board, to review applications and select judge advocates for MJLQ status. The selection board membership will include active duty officers with significant military justice litigation experience and such other judge advocates as the JAG may appoint. The JAG will appoint selection board members and designate the President of the Board.

b. The selection board will review all applications for the SPECIALIST I and the EXPERT MJLQ. Selection recommendations will be in accordance with a selection precept provided by the JAG. The selection board will also review all requests for designation as SPECIALIST II, and make recommendations to the

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Judge Advocate General via the CJDON. PERS-4416 will provide the selection board with target numbers for MJLQ based on the number of judge advocates seeking career status and the need for promotable MJLQ judge advocates. PERS-4416 will maintain a list of all successful MJLQ candidates and include qualification and active/inactive status in the officer's detailing record.

8. Decertification. In accordance with reference (d), upon determination that a judge advocate designated with the SPECIALIST I, II, or EXPERT MJLQ has violated the professional rules of conduct, the JAG may suspend or revoke, for a specified or indefinite period of time, that judge advocate's MJLQ designation. The JAG will direct that Rules Counsel contact appropriate authorities within the DON so that appropriate entries are made in the officer's permanent record.

9. Subspecialty Code Designation. Reference (b) continues to govern procedures for designation with the 1202 Military Justice Litigation subspecialty code. Enclosure (5) provides the education skill requirements necessary for designation with the 1202 subspecialty code; however, a judge advocate may not be awarded a 1202-designation without previously receiving the SPECIALIST I, II or EXPERT MJLQ.

10. Recruiting and Detailing

a. Recruiting. When requested to assist in attracting potential litigators to the Navy JAG Corps, the Assistant Judge Advocate General (Military Justice), Commanding Officers of Naval Justice School (NJS), Region Legal Service Offices (RLSO), Naval Legal Service Offices (NLSO) (and after 1 October 2012, Defense Service Offices (DSO)), the Deputy Assistant Judge Advocate General (Criminal Law) (Code 20), and the Chief Judges of the Trial and Appellate Judiciary shall provide MJLQ judge advocates to recruit at American Bar Association (ABA) accredited law schools and job fairs within their geographic areas of responsibility, in accordance with reference (e).

b. Detailing. Judge advocate billets requiring significant military justice litigation experience are designated by the JAG as requiring assignment of a judge advocate holding the MJLQ. Enclosure (4) provides a list of these MJLQ required billets. However, availability of MJLQ judge advocates, the needs of the Navy or the professional development of the individual judge advocates may require that the JAG detail a MJLQ judge advocate outside the required billets or a non-MJLQ designated judge

advocate to a required billet. Detailing to military justice billets is governed by reference (f).

11. Career Path. Developing and maintaining highly technical and perishable litigation skills requires progressive assignment to trial litigation billets and may limit the opportunity for assignment to sea duty or operational billets or reduce the variety of non-litigation billet assignments in a career. **MJLQ judge advocates should expect to be detailed primarily to MJLQ billets.** These billets will be 1202-coded in compliance with reference (a). All MJLQ judge advocates should occasionally be detailed to billets outside the litigation career path to ensure a depth of experience beneficial to both the officer and the Navy. An example of a possible active duty litigation career path is provided at enclosure (6).

12. Mentoring and Training

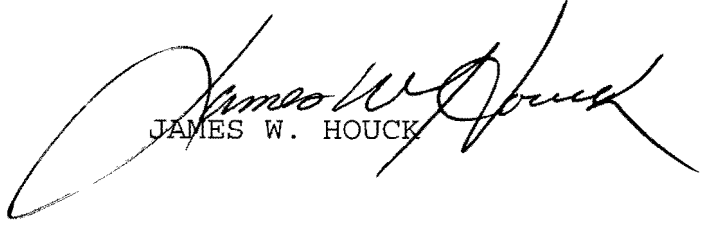
a. Excellence in military justice litigation is dependent on three factors: selection and detailing of the correct individuals for the career path, careful cultivation of the junior officers in military justice litigation, and direct involvement of senior officer litigators in military justice cases. Senior officer (O-5/O-6) litigators who enter this career path are responsible for identifying, training and mentoring junior officer litigators. To sustain a sufficient pool of qualified litigators, senior officer litigators shall identify potential junior officer litigator candidates and develop and implement long-term litigation training plans to cultivate the critical skills necessary for success of this plan. Senior officer litigators shall mentor and guide the attainment of experience for junior counsel such that SPECIALIST and EXPERT qualifications can be obtained as appropriate. Senior officer litigators are expected to participate actively in case preparation with junior counsel, and shall foster and maintain mentor relationships by actively litigating courts-martial as counsel of record with junior officer litigators as lead or assistant counsel.

b. Training programs shall be an integral part of military justice litigation professional development along with the mentoring by senior officers in the court room. Training programs specifically tailored to military justice litigation shall be developed in accordance with reference (g).

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13. Promotion. The JAG will determine the anticipated needs for promotion of MJLQ judge advocates to fill primary military justice litigation billets. The JAG may consider recommending language for inclusion in Secretary of the Navy selection board precepts in accordance with reference (h). Recommended precept language for lieutenant commander (O-4), commander (O-5) and captain (O-6) promotion boards will include specific language, consistent with application of the best and fully qualified standard, directing the boards to consider the Navy's need for senior officers who have demonstrated superior performance in litigation.

14. Point of Contact. The point of contact for this instruction is the Director, Criminal Law Division (OJAG Code 20), Office of the Judge Advocate General.



JAMES W. HOUCK

Distribution:

Electronic only, via Navy Directives website,
<http://doni.daps.dla.mil>; and the OJAG website,
<http://www.jag.navy.mil>.

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SAMPLE APPLICATION FORM

Date

From: LT J. D. Lawyer, JAGC, U.S. Navy
To: President, Military Justice Litigation Qualification
Selection Board
Via: Commanding Officer, Region Legal Service Office
Somewhere

Subj: REQUEST FOR [SPECIALIST I/SPECIALIST II/EXPERT] MILITARY
JUSTICE LITIGATION QUALIFICATION

Ref: (a) JAGINST 1150.2B

Encl: (1) Officer Fitness Report of [insert end date of report
and include all fitness reports as separate
enclosures].
(2) OSR/PSR
(3) Law school transcripts
(4) LLM transcript (if applicable)
(5) CAPT Judge, JAGC, USN, ltr of 4 Feb 06
(6) CDR EXPERT, JAGC, USN, ltr of 4 Feb 06
(7) Writing Sample
(8) Excerpts from Trial Records

1. Pursuant to reference (a), I hereby request selection for the [Specialist I/Expert] Military Justice Litigation Qualification.

2. In addition to enclosures (1) through (), the following information is provided:

a. Brief description of three significant cases tried:

(1) US v. P - cold case premeditated murder, members. Significant immunity, privilege, forensic (dental, DNA, blood splatter) and factual sufficiency issues. Three year investigation with state, local and federal authorities. Lead Trial Counsel; all directs, cross, arguments. Convicted, life.

(2) U.S. v. L - national security case involving classified information privilege invocation, closed court sessions, Grunden applications, with members. Sole trial counsel. Convicted, life sentence.

Enclosure (1)

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(3) U.S. v. W - non-capital premeditated murder, with members. Difficult self-defense case involving a victim with a gun drawn at the time of the murder. Lead trial counsel. Opening/closing, voir dire, sentencing argument, cross of accused, direct of coroner and percipient witnesses.

b. Summary of litigation experience:

(1) As trial counsel and senior defense counsel tried 50 members trials to completion before ten military judges in four judicial circuits. Coordinated the defense in 35 members trials as DCAP counsel and tried six to completion. Felony prosecutor at the U.S. Attorney's Office for the Eastern District of Pennsylvania while earning my LL.M. in Trial Advocacy from Temple University. As XO of DSO SE, supervised prosecution of 27 members cases, plus 6 Art. 32 proceedings resulting in withdrawal of charges. Tried 6 members cases to completion. As military judge, presided over 24 contested cases and four sentencing cases by members.

c. Duty Stations and Billet assignments:

- (1) VA-176 (dates) - intelligence officer
- (2) J.D., Law School University, City, ST (dates)
- (3) NJS (dates)
- (4) RLSO SE (dates) - trial counsel (supervised 3 attorneys)
- (5) IA at MNFI (dates) - corruption prosecution
- (6) DCAP (dates)
- (8) CVN-71 (dates)
- (9) LLM, Law School University, City, ST (dates)
- (9) NLSO MIDLANT (dates) - senior defense counsel (supervised 8 attorneys)
- (10) XO DSO SE (dates) - supervised 10 counsel
- (11) Military Judge (dates)

d. Awards Received: MSM (1); NCM (4); NAM (2); NUC (3); NDSM (2); (GWOT-S); SSSDR (1); Pistol (S).

e. Personal statement.

J. D. LAWYER

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Experience Requirements

Applicants for Specialist I, Specialist II, and Expert generally should meet the following experience standards.

	<u>Specialist I</u>	<u>II</u>	<u>Expert</u>
Lead Counsel	5	10	20
Participating Counsel*	5	10	20
(*Same number of cases briefed and argued before NMCCA or CAAF may be substituted)			
<u>Other Adversarial Matters</u>			
Direct Examination (Lay)	25	50	100
Direct Examination (Expert)	5	10	25
Cross Examination (Lay)	25	50	100
Cross Examination (Expert)	5	10	25
Opening Statements	5	10	20
Closing Arguments	4	8	20
Voir Dire Examinations	5	10	20

Applicants must have substantially participated as counsel, and must certify that they personally performed those actions for which credit is claimed.

Credit as Lead Counsel or Participating Counsel may be claimed only for members cases that proceeded to verdict.

Applicants may submit participation in other proceedings involving the taking of testimony including bench trials, evidentiary hearings, Article 32, UCMJ hearings, or depositions and motions heard before or after trial, as well as administrative hearings, including administrative discharge boards and Physical Evaluation Board proceedings. Applicants seeking credit for such matters that did not occur as part of a members trial must make clear the nature of the cases for which credit is sought.

The selection board may allow a lesser number of submissions in any of these categories if additional involvement in other categories clearly constitutes sufficient active trial participation to demonstrate an enhanced level of skill and experience.

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Recommendation Form

Name of Applicant: _____

Time you have known applicant: _____

Nature of relationship between you and the applicant: _____

Number of cases on which you have personally observed the applicant: _____

Name of rater: _____

Date: _____

A. For all MJLQ applicants.

Please rate the applicant's abilities in the following areas, using a rating of 1 to 10, with 10 being the highest. If you have not had a sufficient opportunity to observe the applicant in any area, please indicate by circling "no opinion." For each of the ratings, please provide a short explanation of the basis for your opinion.

(1) **Verbal Articulation** - the ability to communicate complex ideas to a variety of audiences, including courtroom arguments, classroom lectures, and other public speaking environments.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(2) **Adaptability** - demonstrated flexibility in thought and behavior in both courtroom and command settings, an affinity for emergent issues and an ability to confront crisis calmly.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(3) **Written Communication** - research and writing skills which cogently and creatively present the legal position while interweaving case theme and theory.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

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(4) **Composure** - reasonableness and even-temper in the zealous representation of clients, including the ability to accurately gage the value of a course of action and the successful use of alternative dispute resolution.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(5) **Ethical Decision Making** - maintaining the highest standards of professional ethical behavior and exemplary conduct. Loyalty and fidelity to the United States, to the law, and to clients both institutional and individual, must come before private gain or personal interest. The successful litigator does what is right for its own sake.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(6) **Commitment to military justice litigation** - By his or her actions, this officer has demonstrated a commitment to military justice litigation and its development within the Navy. Selection will promote the future creation of EXPERT litigators.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(7) **Potential** - This officer has great potential to achieve the EXPERT MJLQ designation in the future.

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

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B. For EXPERT MJLQ applicants.

(1) **Extensive experience as counsel** The EXPERT MJLQ designation is reserved for those who have significant experience and demonstrated leadership in military justice litigation. Significant experience and leadership means a considerable body of work as a litigator and mentor within the military justice litigation field. Qualified officers must have demonstrated substantial aptitude as trial level prosecutors and defense counsel through significant participation as counsel of record in a variety of complex courts-martial. The officer's experience must also demonstrate the currency and topicality of his or her litigation abilities. Judged against this standard, I rate his/her demonstrated ability as:

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(2) **Experience in Non-Litigation Billets** - the expert litigator must have sufficient breadth of experience through service in non-litigation billets to understand both the active duty Sailor's and Marine's fleet experience, and the role of line commanders, particularly as it relates to discharging convening authority responsibilities. The expert litigator must understand the impact of misconduct on operations, the administrative procedures relating to minor misconduct, and the role of good order and discipline in operational and shore-based environments. The expert litigator must also be familiar with organizational functions necessary for the fair, effective and efficient management of the military justice system and the JAG Corps as a component of the larger Navy. Judged against this standard, I rate this applicant as:

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

(3) **Leadership and Mentoring Skills** - Assignment of an officer to a senior litigation billet assists in the professional development of our junior litigators. The expert litigator will spend a significant portion of his assignment

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working with new and inexperienced counsel. He or she will evaluate their work product and provide counseling and mentorship, and must have the demonstrated ability to both lead and to try complex cases at the same time. He or she will teach the law, leadership, and the value of service through the intense, adversarial, and public interaction of courts-martial. He or she will identify and develop future members of the litigation career path. Judged against this standard, I rate this applicant as:

1 2 3 4 5 6 7 8 9 10 No opinion

Basis: _____

C. For all raters submitting an appraisal on more than one (1) applicant.

I rate this person as my number () out of () applicants.

D. Additional comments, if desired, may be attached separately, or added below.

Signature

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MJLQ Required Billets

<u>PAYGRADE</u>	<u>DESCRIPTION</u>	<u>PDS</u>
O-7 (Sel)	Chief Judge Dep't of the Navy	D.C.
O-6	Chief Judge, NMCCA	D.C.
O-6	Chief Judge, NM Trial Judiciary	D.C.
O-6	Deputy Assistant JAG (Criminal Law)	D.C.
O-6	Chief Defense Counsel of the Navy	D.C.
O-6	Military Judge	Norfolk
O-6	Military Judge	San Diego
O-6	Military Judge	Yokosuka
O-6	CO, DSO	Norfolk
O-6	CO, DSO	San Diego
O-6	CO, DSO	Yokosuka
O-6	CO, DSO	D.C.
O-6	Director, DCAP	D.C.
O-6	Director, TCAP	D.C.
O-5	Military Judge, NMCCA	D.C.
O-5	Military Judge	Bremerton
O-5	Military Judge	Jacksonville
O-5	Military Judge	Norfolk
O-5	Military Judge	San Diego
O-5	OIC, DSO	Mayport
O-5	OIC, DSO	Naples
O-5	OIC, DSO	Bremerton
O-5	OIC, DSO	Pensacola
O-5	XO, RLSO	Norfolk
O-5	XO, RLSO	San Diego
O-5	XO, RLSO	Jacksonville
O-5	XO, RLSO	Yokosuka
O-4	Deputy Director, DCAP	D.C.
O-4	Deputy Director, TCAP	D.C.
O-4	Appellate Government Counsel	D.C.
O-4	Appellate Defense Counsel	D.C.
O-4	INST, NJS	Newport
O-4	AO, Code 20	D.C.
O-4	SDC, DSO	D.C.
O-4	SDC, DSO	Norfolk
O-4	DC, DSO	Norfolk
O-4	SDC, DSO	San Diego
O-4	DC, DSO	San Diego
O-4	SDC, DSO	Jacksonville
O-4	SDC, DSO	Pearl Harbor
O-4	TC, RLSO	Pensacola
O-4	TC, RLSO	Mayport
O-4	STC, RLSO	D.C.
O-4	TC, RLSO	Bremerton
O-4	TC, RLSO	Pearl Harbor
O-4	TC, RLSO	Naples
O-4	STC, RLSO	Norfolk
O-4	TC, RLSO	Norfolk
O-4	STC, RLSO	San Diego
O-4	TC, RLSO	San Diego
O-4	STC, RLSO	Jacksonville
O-4	TC, RLSO	Yokosuka

Enclosure (4)

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1202 SSB
Education Skill Requirements

1. The officer must understand the fundamental concepts and be familiar with the basic functional areas of trial advocacy and litigation within the Department of the Navy (DON) and the Department of Defense (DOD) with respect to:

- a. Oral and Written Trial Advocacy;
- b. Court-Martial Procedures;
- c. Military Rules of Evidence;
- d. Substantive Criminal Law;
- e. Constitutional Law; and
- f. Legal Research

2. The officer must become an expert in the litigation of complex courts-martial.

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Sample Litigation Career Path

YEAR	ASSIGNMENT	EXPLANATION	
LIEUTENANT			
0 to 2	RLSO Counsel	Eligible for SPEC I - 1yr after CSB (w/ exceptions). However, officers should first experience the wide variety of skills demanded of JAs. Seek detail to non-litigation billets prior to MJLCT application.	
2 to 4	Installation SJA Individual Augmentee NJS/USNA Instructor CVN #2 OJAG Code Action Officer Code 45/46 Counsel	Application to SPEC I is expansive, incl'd: 2 recs, CO ends, writing sample, ROT excerpt, and personal statement. (See, Para. 4.a. and Encl. (1))	
Selected as SPECIALIST I (SPEC I)			
4 to 7	RLSO Counsel DSO Counsel TCAP/DCAP	1 st tour after selection should focus on development of litigation skills and mentoring of new counsel.	1 st "Off Ramp" Officers have 6 yrs to move fm SPEC I to SPEC II . (See, Para. 5.) Creates flexibility to change goals mid-career.
LIEUTENANT COMMANDER			
7 to 10	Defense Counsel/Asst. SDC Trial Counsel/Asst. STC Military Commissions Code 45/46 CVN #1 TYCOM/Region SJA #2	Eligible for SPEC II after 3 yrs as SPEC I . Focus on leadership and billet diversity. Application to SPEC II is a simple request letter thru supervisory MJLQ officer and CO (or MJ). (See, Para. 4.b. and Encl. (2))	
Selected as SPECIALIST II (SPEC II)			
10 to 12	LL.M. in Trial Advocacy SDC/STC NJS MJ Department Head Code 20/TCAP/DCAP OJAG Code Section Head	Eligible for P-Code (1202) after completion of degree. (See, Para. 9.)	2 nd "Off Ramp" Officers have 7 yrs to move fm SPEC II to EXPERT . (See, Para. 5.)
COMMANDER			
12 to 17	DSO XO/OIC/SDC RLSO XO/STC Trial/Appellate Judge Dep. Dir. Code 20/45/46 Dep. Dir. Code 11/14/30 TYCOM/Region SJA	Eligible for EXP after 3 yrs as SPEC II . Applicants must also have at least 2 yrs, mid-career experience in non-litigation billets. Application to EXPERT is similar to SPEC I . (See, Para. 4.c. and Encl. (1))	
Selected as EXPERT (EXP)			
CAPTAIN			
17 to 25	Circuit Trial/Senior Appellate Judge Dir. TCAP/DCAP Dir. Code 20/45/46 DSO CO Chief Trial/NMCCA Judge	Senior litigators are responsible for identifying, recruiting, training and mentoring junior officer litigators. (See, Para. 12.)	
Capstone as CHIEF JUDGE, DEPARTMENT OF THE NAVY (CJDON) - REAR ADMIRAL (LOWER HALF) (SELECT)			