



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:

JAG/CNLSCINST 1500.2B
Code 02
JUN 5 2012

JAG/CNLSC INSTRUCTION 1500.2B

Subj: MILITARY JUSTICE LITIGATION AND TRIAL ADVOCACY TRAINING

Ref: (a) JAGINST 5400.1B
(b) CNLSCINST 5450.3B

1. Purpose. To assign specific responsibility for the development, execution, and oversight of military justice litigation and trial advocacy training at Naval Justice School. To establish a Litigation Training Coordination Council to coordinate military justice training.

2. Cancellation. This instruction supersedes JAG/CNLSCINST 1500.2A, which is hereby cancelled. This instruction is a major revision and should be reviewed in its entirety.

3. Background

a. This instruction delineates responsibilities of the Naval Justice School (NJS) and the Office of the Judge Advocate General (OJAG), Criminal Law Division (Code 20) with respect to military justice litigation and trial advocacy training. The clarification of these responsibilities serves to maximize the effective and efficient delivery of military justice litigation and trial advocacy training to the Navy, Marines Corps, and Coast Guard.

b. Per reference (a), Code 20 oversees military justice policy and requirements within the Department of the Navy (DON). Code 20 is primarily responsible for developing military justice litigation and trial advocacy training requirements under this instruction.

c. Centralizing litigation and trial advocacy training requirements development with Code 20 will foster a collaborative environment that will enable military justice practitioners to establish or modify existing training requirements. This process of establishing or modifying training requirements will consider policy, appellate, trial,

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judiciary, education, inspection, and inter-service personnel drawn from a variety of practice areas. Additionally, litigation training requirements will be developed, or existing requirements modified, and coordinated by this process. Requirements developed pursuant to this instruction will be delivered to NJS for execution following coordination with the NJS Board of Advisors (BOA). NJS execution plans will also be coordinated through the BOA.

d. Training requirements are broad in scope addressing statutory or regulatory changes, new developments in case law, trial practice, skills-based instruction, knowledge-based instruction, evidence, criminal procedure, and specialized practice areas. Specific training requirements may include an overall course topic, course purpose, goals and objectives, detailed instruction plan that may include curriculum, teaching methodology (seminar, programmed instruction, practical exercises, etc.), course materials, recommended instructors, and student prerequisites.

e. Reference (b) establishes NJS as the primary educational institution for the instruction of legal matters relating to the Navy, Marine Corps, and Coast Guard. The Commanding Officer of NJS, as the Special Assistant to the Judge Advocate General (JAG) for Training, oversees implementation of the Navy JAGC Training Program. NJS has the exclusive responsibility to execute all BOA-approved military justice litigation and trial advocacy training. NJS will continue to collaborate with Navy, Marine Corps, and Coast Guard stakeholders to ensure that the most relevant training is executed.

f. In developing relevant military justice litigation and trial advocacy training, NJS must coordinate with the Chief Judge of the Navy, Code 20, Navy Trial Counsel Assistance Program (TCAP), Navy Defense Counsel Assistance Program (DCAP), the Chief Defense Counsel of the Marine Corps, the Marine Corps TCAP, and the Office of Legal Policy and Program Development of the Coast Guard to ensure applicable NJS training programs reflect current Navy, Marine Corps, and Coast Guard training standards and requirements.

4. Action

a. Consistent with procedures in reference (a), CNLSC will make available necessary funding for this program to Commanding Officer, NJS. Additional sources of funding, when available, may also supplement this program. CNLSC and the Assistant Judge

Advocate General (Military Justice) will issue further directives and guidance in implementation of this instruction as appropriate.

b. Code 20 shall:

(1) identify requirements for military justice litigation and trial advocacy training;

(2) coordinate with Commanding Officer, NJS regarding the creation and development of curricula for all BOA-approved military justice litigation and trial advocacy courses taught by NJS, including course content, structure, schedule, and duration;

(3) recommend instructors to deliver instruction for BOA-approved military justice litigation and trial advocacy courses;

(4) coordinate with Commanding Officer, NJS in the evaluation of the strengths and deficiencies in ongoing military justice litigation and trial advocacy training provided by NJS, and determine future areas of focus;

(5) develop new ideas for curricula and training materials as needed and submit the proposals to the BOA and ensure compliance with proposed changes;

(6) coordinate with Commanding Officer, NJS to identify the prerequisites or target audience for attendance at BOA-approved military justice litigation and trial advocacy courses; and

(7) issue further guidance, as appropriate, to implement this instruction.

c. Commanding Officer, NJS shall:

(1) exercise cognizance over the execution of training under this instruction and be responsible for the effective and efficient management of the courses that are offered in furtherance of this instruction;

(2) develop, schedule, and implement NJS BOA-approved military justice litigation and trial advocacy courses with the support, coordination, and expertise of Code 20;

(3) present recommendations for new courses and present justifications for the continuation of current military justice litigation and trial advocacy courses to include information about course geographical locations and budget at the annual BOA meeting;

(4) maintain a sufficient number of faculty members skilled in military justice litigation and trial advocacy;

(5) staff courses in coordination with the recommendations of Code 20, Navy TCAP and DCAP, the Chief Defense Counsel of the Marine Corps, Marine Corps TCAP, and the Office of Legal Policy and Program Development of the Coast Guard to the extent practicable;

(6) promulgate BOA-approved courses, curricula, and training materials developed by Code 20; and

(7) coordinate the expenditure of all funds made available by CNLSC and approved by the NJS BOA for conducting the actual training to ensure worldwide training is offered where needed and a maximum return on the funds expended is realized.

d. Division Director, Fiscal and Resource Services Division (Code 64) will work closely with NJS and provide funds, as budgeted, for all centrally managed training funds for trial advocacy training.

e. NLSC Commanding Officers will ensure, as practicable, attendance at each course by judge advocates who fall within the target audience of that course as defined by Code 20 and NJS.

f. Military judges, to the extent that judicial duties permit, are encouraged to attend and participate in training courses as appropriate.

5. Coordination

a. The Chief Judge of the Navy and the Assistant Judge Advocate General (Military Justice) will oversee a Litigation Training Coordination Council (LTCC).

b. Code 20 shall:

(1) be responsible for establishing and managing a LTCC;
and

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(2) consult with Commanding Officer, NJS on the execution of training under this program.

c. The LTCC shall:

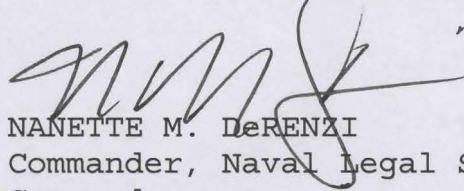
(1) meet at least once quarterly;

(2) extend membership invitations to each of the following offices: Code 20, Navy DCAP and TCAP, the Chief Defense Counsel of the Marine Corps, NJS Military Justice Department, Marine Corps TCAP, the Office of Legal Policy and Program Development of the Coast Guard, the Office of Military Justice of the Coast Guard, and Chiefs of the trial and appellate judiciary;

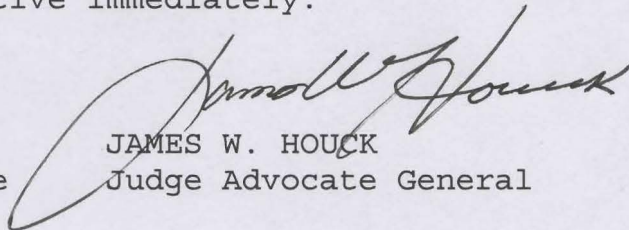
(3) be responsible for providing training suggestions and topics based on perceived delinquencies, recurring issues, best practices, or novel concepts identified in the field. LTCC members are encouraged to engage in frequent communication with trial and defense counsel through technical assistance with case consultations and report identifiable training issues or topics at a LTCC meeting, or directly to Code 20; and

(4) submit an annual written report to Code 20 by 31 January. The report will include, as warranted, recommendations for new training and suggested guidance for current trainings. Code 20 will take LTCC recommendations for action and develop proposals, as necessary, for formal submission to Commanding Officer, NJS for presentation through the NJS BOA process.

6. This instruction is effective immediately.



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