



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
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ALEXANDRIA, VA 22332-2400

IN REPLY REFER TO

JAGINST 1500.2
61
13 JAN 1988

JAG/CNLSC INSTRUCTION 1500.2

From: Judge Advocate General/Commander, Naval Legal Service
Command

Subj: TRIAL ADVOCACY TRAINING

1. Purpose. To promulgate policy and assign specific responsibility regarding the trial advocacy training conducted in the field after completion of the Basic Lawyer Course at the Naval Justice School (NJS).

2. Background. The need for a continuing trial advocacy training program after graduation from the Basic Lawyer Course at NJS has long been recognized. This program is established in response to such need. Broad emphasis on courtroom-skills training throughout the judge advocate community will ensure uniform quality and maximum benefit from this program. Training under this instruction consists of trial advocacy skills clinics conducted by instructors trained and certified by the NJS, which is responsible for course structure, content, and coordination. The general methodology used in teaching trial advocacy skills clinics is that developed by the National Institute for Trial Advocacy (NITA). Clinics will normally be taught by teams of three or four instructors, and class size will normally be limited to eight or nine students. The goal of this program is to conduct a sufficient number of clinics to meet worldwide training needs on a continuing basis.

3. Action

a. Commander, Naval Legal Service Command (CNLSC), will make available necessary funding for this program to Commanding Officer, NJS, and will issue further directives and guidance in implementation of this instruction as appropriate.

b. Commanding Officer, NJS, has primary cognizance over the operation of this program and is responsible for the following:

(1) Developing and promulgating written trial advocacy training materials, basic course structure and content, and schedules for the sequence and duration of specific blocks of instruction;

(2) Training and certifying all instructors who teach trial advocacy skills under this program (To ensure an adequate supply of qualified instructors, the NJS will, as practicable, maintain a sufficient number of faculty members skilled in the

JAGINST 1500.2

13 Jan 1988

NITA teaching methodology and will conduct training courses for field instructors at least once each year. Personnel will be selected for field instructor training with guidance from the area coordinators and the Deputy Assistant Judge Advocate General (Military Personnel).);

(3) Assigning qualified NJS faculty members to participate in a sampling of trial advocacy skills clinics each year (This measure is adopted in order to ensure consistency with the NITA methodology, uniformity in course content, and quality of instruction. An annual report, based on local program participation and observation, will be forwarded to the Judge Advocate General at the end of each fiscal year.);

(4) Coordinating the expenditure of all funds made available by CNLSC (Code 64) for conducting the actual training so as to ensure that worldwide training is offered where needed and that a maximum return on the funds expended is realized;

(5) Coordinating with area coordinators, Naval Legal Service Office (NLSO) commanding officers and course managers, as indicated below;

(6) Certifying field instructors before they can be assigned to the faculty of a trial advocacy skills clinic; and

(7) Issuing further guidance, as appropriate, in implementation of this instruction.

c. Deputy Assistant Judge Advocate General (Fiscal & Administrative Support) (Code 64) will work closely with the NJS and provide funds, as budgeted, for all NITA-type trial advocacy training. Fund allocation for this training will not be included in the NJS resource authorization. However, based upon instructions from the CO, NJS, Code 64 will increase the fund authorization for NLSO personnel or issue travel orders for non-NLSO personnel.

d. Commanding Officer, NLSO, Norfolk, Virginia, is designated the area coordinator for trial advocacy skills clinics held at CONUS locations east of the Mississippi River and in Europe. Commanding Officer, NLSO, San Francisco, California, is designated the area coordinator for trial advocacy skills clinics held at CONUS locations west of the Mississippi River, Hawaii, and western Pacific regions. The area coordinators are responsible for the following:

(1) Determining, in consultation with local NLSO commanding officers, the need for trial advocacy skills clinics in their areas of responsibility and forwarding to the CO, NJS, by 1 June of each year, a listing of dates and locations of clinics to be conducted during the upcoming fiscal year;

(2) Procuring required audiovisual and other support equipment as funding permits;

(3) Selecting, in consultation with the CO, NJS, and the commanding officer of the individuals concerned, the faculty (course manager and other field instructors) for each trial advocacy skills clinic (All faculty members must be certified as trial advocacy instructors by the CO, NJS.); and

(4) Submitting a written report to the CO, NJS, following each trial advocacy skills clinic, covering the following:

- (a) Place and dates of clinic;
- (b) Names of instructors;
- (c) Names of students successfully completing the clinic;
- (d) Local command support received; and
- (e) Any other information deemed relevant.

e. NLSO commanding officers will, as practicable, ensure that the following categories of judge advocates attend a trial advocacy skills clinic:

(1) Trial or defense counsel having between 6 and 18 months of courtroom experience;

(2) Trial or defense counsel returning to the courtroom after an absence from trial practice for a period of 6 months or longer; and

(3) Other trial or defense counsel as needed.

Upon request of the area coordinator for trial advocacy skills clinics, NLSO commanding officers will, as practicable, arrange for facilities and audiovisual, administrative, and logistic support for clinics to be held in the local area, to include making field instructors assigned to their commands available to conduct the required instruction.

f. Circuit Military Judges, to the extent that judicial duties permit, are encouraged to arrange for interested judges to attend a trial advocacy instructor clinic at the NJS and to participate in this training program as appropriate.

g. The senior field (non-NJS faculty) trial advocacy instructor assigned to conduct each clinic will serve as the local course manager. Local course managers are responsible for the following:

JAGINST 1500.2

13 Jan 1988

(1) Distributing schedules and other course materials and, in conjunction with the local NLSO, arranging for facilities, support personnel, and equipment;

(2) Handling administrative requirements attendant to conducting the clinic; and

(3) Ensuring the distribution and collection of student critiques, which will be forwarded to the CO, NJS, via the area coordinator for trial advocacy skills clinics.

h. Field instructors will assist the local course manager in course preparation and administration, as well as giving lecture/demonstrations, courtroom critiques, and videotape reviews as directed by the local course manager.

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