



Staff Judge Advocate to the Commandant of the United States Marine Corps



Eastern Region TCAP Training Agenda

MCB CAMP LEJEUNE
MARCH 7-11, 2016

Presented by
Trial Counsel Assistance Program (TCAP)
With support from
Navy TCAP, LSSS-East, and LSSS-NCR

Enlisted Breakout
Lecture / Demo
Practical Exercise
Admin

DAY 1: MONDAY, March 7th			
0800 – 0830	Opening Remarks and Self-Assessments Maj Jesse Schweig, Branch Head, Trial Counsel Assistance Program		
0830 – 0930	Ethics LtCol Pete Houtz <ul style="list-style-type: none"> ❖ <i>LtCol Houtz is the regional trial counsel for the National Capital Region.</i> <ul style="list-style-type: none"> ➢ Instruction will discuss ethics as applied to prosecution. It will use case law and specific examples to examine the limits of appropriate behavior. 		
0930 – 1030	The Pre-Arrest Investigation Ms. Martha Bashford and Ms. Siobhan Carty <ul style="list-style-type: none"> ❖ <i>Ms. Bashford is the Chief of the Manhattan District Attorney's Sex Crimes Unit</i> <ul style="list-style-type: none"> ➢ Instruction will discuss how the Manhattan District Attorney's office investigates new reports of sexual assault. Although not specific to military practice, the goal is to stimulate trial counsel by exposing them to the methodology used in an extremely busy and extremely successful jurisdiction. 		
1030 – 1200	<table border="0"> <tr> <td> Corroborating Sex Assault / Domestic Violence cases Ms. Julia Hejazi and Ms. Kathleen Muldoon <ul style="list-style-type: none"> ❖ <i>Ms. Hejazi is the highly qualified expert for HQMC and LSSS-NCR. Ms. Muldoon is the highly qualified expert for LSSS-East.</i> <ul style="list-style-type: none"> ➢ Instruction will focus on those issues unique to SA and DV cases. </td> <td> Learning to Read an Investigation Maj Jesse Schweig <ul style="list-style-type: none"> ❖ <i>Class will focus on reading an NCIS or CID investigation and how this practically applies to gathering evidence.</i> </td> </tr> </table>	Corroborating Sex Assault / Domestic Violence cases Ms. Julia Hejazi and Ms. Kathleen Muldoon <ul style="list-style-type: none"> ❖ <i>Ms. Hejazi is the highly qualified expert for HQMC and LSSS-NCR. Ms. Muldoon is the highly qualified expert for LSSS-East.</i> <ul style="list-style-type: none"> ➢ Instruction will focus on those issues unique to SA and DV cases. 	Learning to Read an Investigation Maj Jesse Schweig <ul style="list-style-type: none"> ❖ <i>Class will focus on reading an NCIS or CID investigation and how this practically applies to gathering evidence.</i>
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1200 – 1330	Working Lunch and Review of Mock Case File Teams <ul style="list-style-type: none"> ❖ <i>The format for this year's training will be slightly different. Participants will work all practical exercises as teams. Additionally, time will be granted during the workday to prep for all events. This is the first such block of prep time.</i> 		
1330 – 1430	<table border="0"> <tr> <td> Victim Interviewing Exercise <ul style="list-style-type: none"> ❖ <i>This exercise will explore the practicalities of interviewing a victim. Counsel will have the opportunity to receive critiques based on how effectively they conduct their interview.</i> </td> <td> Creating a Proof Chart Capt Matt Reeder <ul style="list-style-type: none"> ❖ <i>Class will focus on using the Benchbook to draft a proof chart for your TC as you create the charge sheet.</i> </td> </tr> </table>	Victim Interviewing Exercise <ul style="list-style-type: none"> ❖ <i>This exercise will explore the practicalities of interviewing a victim. Counsel will have the opportunity to receive critiques based on how effectively they conduct their interview.</i> 	Creating a Proof Chart Capt Matt Reeder <ul style="list-style-type: none"> ❖ <i>Class will focus on using the Benchbook to draft a proof chart for your TC as you create the charge sheet.</i>
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1430 – 1530	Jury Instructions LtCol Nick Martz <ul style="list-style-type: none"> ❖ <i>LtCol Martz is the regional trial counsel for the East Region.</i> <ul style="list-style-type: none"> ➢ Instruction will focus on using instructions to craft charges. 		

1 5 3 0 – 1 7 0 0

Whiteboarding and Charging Exercise

- ❖ *This team exercise will be conducted in the small group conference rooms. The group leader will take the teams through a whiteboarding exercise and a charge analysis exercise. The teams will also generate their request for additional evidence for the mock case.*

DAY 2: TUESDAY, March 8th 		
0 8 3 0 – 0 9 3 0	Evidentiary Foundations in Sex Assault Cases LtCol Nick Martz ❖ <i>Class will drill students in laying foundations for items of evidence typically seen in sex assault and strangulation cases.</i>	Drafting Subpoenas and Creating Witness Lists Capt Brian Ferrell ❖ <i>Class teaches enlisted how to obtain virtually any piece of evidence and how to pre-populate a witness list.</i>
0 9 3 0 – 1 1 3 0	Evidentiary Foundation Exercise ❖ <i>Counsel will practice laying foundations for various items of evidence in the small group settings.</i>	Working with and Interviewing Witnesses Capt Dave Coogan ❖ <i>Class will explore and provide witness interview templates.</i>
1 1 3 0 – 1 3 0 0	Lunch	
1 3 0 0 – 1 4 0 0	Experts in Sex Assault Cases Maj Jesse Schweig ❖ <i>Instructor will discuss how and when to use expert toxicologists and expert psychiatrists in SA cases.</i>	Discovery Capt Brandon Regan ❖ <i>What discovery should mean to enlisted support</i>
1 4 0 0 – 1 5 0 0	Making Objections Exercise ❖ <i>Counsel will practice making objections in response to prepared scenarios</i>	Enlisted Panel Discussion Legal Chiefs ❖ <i>Panel will explore best practices around the Marine Corps legal community.</i>
1 5 0 0 – 1 6 0 0	Discovery v. Production LtCol Pete Houtz ❖ <i>Class will pull back the curtain on this confusing but vital subject area.</i>	
1 6 0 0 – 1 8 0 0	Panel Discussion Reservists and Retired Marines ❖ <i>This panel will field questions from TCs regarding the interviewing and hiring process post Marine Corps. The panel will also discuss the reserves and what resources are available.</i>	

DAY 3: WEDNESDAY, March 9th 		
0 8 3 0 – 0 9 3 0	Theme and Theory of the Case Mr. Rob Giles ❖ <i>Instructor will discuss how to derive a theme/theory from the evidence and witness interviews. Instructor will then explain how to use this theme/theory throughout the presentation of the case.</i>	VWAP and Post-Trial Packages Capt Matt Savarese and Capt Jeff Amell ❖ <i>Class focuses on VWAP compliance, drafting confinement orders, and drafting RROT's.</i>
0 9 3 0 – 1 1 0 0	Theme and Theory Drill	Archiving a Case and CMS Maj Chip Hodge ❖ <i>What needs to be part of an archived case file and how it should be maintained pursuant to regulation.</i>
1 1 0 0 – 1 2 0 0	Create a Theme and Theory for the Mock Case ❖ <i>Teams will work on a theme and theory and will present it to the other teams in their small group conference rooms. This exercise takes the place of the more traditional opening statement presentations.</i>	
1 1 3 0 – 1 3 0 0	Lunch	
1 3 0 0 – 1 4 0 0	Dissecting the Direct Exam Mr. Rob Giles ❖ <i>Mr. Giles is the highly qualified expert for Navy TCAP.</i> ➤ <i>Instruction will discuss the content of an effective direct examination of a victim.</i>	Setting up a Courtroom & Pretrial Matters Capt Steve Doherty, Capt Perry Duncan, and Capt Paul Pfluke ❖ <i>This practical application class will ensure that all enlisted personnel know how to set-up a courtroom for any contested case. Class includes construction of the TC's trial notebook and preparation of evidence.</i> ➤ <i>Class will be held in the Camp Lejeune courtrooms.</i>
1 4 0 0 – 1 4 3 0	Prep Direct Exams ❖ <i>Teams will prepare a model direct of their victim. The output will be a prepared and structured written direct exam.</i>	
1 4 3 0 – 1 6 0 0	Conduct Directs ❖ <i>Teams will conduct their prepared direct exams in the small group conference rooms.</i>	
1 6 0 0 – 1 9 0 0	Optional Videotaping of and Feedback on an Opening/Closing ❖ <i>This gives attendees an option to deliver an opening/closing from one of their cases or from the TCAP mock case. The presentation will be videotaped and will then be reviewed with an experienced practitioner. The goal is self-evaluation and self-improvement.</i>	

DAY 4: THURSDAY, March 10th		
0800 – 0900	Motions Practice and Bench Briefs Maj Jesse Schweig and CDR Mike Luken, JAGC, USN <ul style="list-style-type: none"> ❖ <i>CDR Luken is the Officer in Charge of the Navy's Trial Counsel Assistance Program</i> <ul style="list-style-type: none"> ➤ Class will focus on using offensive motions to canalize the defense in sexual assault and domestic violence cases 	Use of ADOBE Pro and Other Office Products Capt Matt Schoneweis <ul style="list-style-type: none"> ❖ <i>Class ensures widest dissemination of best practices regarding Office products. Focuses on shortcuts and maximizing efficiency.</i>
0900 – 1000	Cross Examination Class and Prep Ms. Julia Hejazi <ul style="list-style-type: none"> ❖ <i>Class discusses the theory of cross and how to use it to further the theme of your case.</i> <ul style="list-style-type: none"> ➤ <i>Teams will prepare a model cross of the accused. The output will be a prepared and structured written cross exam.</i> 	
1030 – 1200	Conduct Crosses Teams <ul style="list-style-type: none"> ❖ <i>Teams will conduct mock cross-examinations of the accused in the small group conference rooms.</i> 	
1200 – 1300	Lunch	
1300 – 1430	The Opening Statement LTC George Brauchler, USA <ul style="list-style-type: none"> ❖ <i>LTC Brauchler is an Army National Guard Reservist and is the District Attorney for the 18th Judicial District in Colorado.</i> <ul style="list-style-type: none"> ➤ <i>Instructor will give a sample opening statement relating to one of his cases. He will then provide practice pointers for structuring the opening.</i> 	
1430 – 1530	The Closing Argument LTC George Brauchler, USA <ul style="list-style-type: none"> ❖ <i>Instruction will cover theory surrounding the closing argument. The context will be actual closing arguments from his cases.</i> 	
1530 – 1630	Creating an Effective Visual Closing LTC George Brauchler, USA <ul style="list-style-type: none"> ❖ <i>Instruction will give pointers and techniques for incorporating technology into the closing and how to use it to supplement the argument.</i> 	
1630 – 1900	Panel Discussion Special Guests from the Manhattan District Attorney's Sex Crimes Unit <ul style="list-style-type: none"> ❖ <i>This panel will field questions from TCs regarding the techniques and procedures used at one of the highest profile and busiest sex crimes units in the country. The discussion will be led by MajGen Ewers, SJA to CMC.</i> 	

DAY 5: FRIDAY, March 11th |

0830 – 0900	Course Evals	
0900 – 0930	Case Law Update Ms. Kathleen Muldoon ❖ <i>Class will provide an update on the most recent case law.</i>	NJIS Maj Jesse Schweig ❖ <i>Explanation of where we might be headed and a solicitation of good ideas.</i>
0930 – 1100	Sentencing Argument Class and Demonstration CDR Mike Luken, JAGC, USN and Capt Paul Mower ❖ <i>An experienced TC will deliver a model sentencing argument from their own case. The class portion will explore presentencing proceedings.</i>	
1100 – 1130	Presentation of Awards RTCs	
1130 – 1200	Closing Remarks MajGen John Ewers, SJA to CMC	