EDUCATIONAL SKILL REQUIREMENTS
MILITARY JUSTICE LITIGATION
1202 SUBSPECIALTY
884 CURRICULUM

1. Curriculum Number: 884

2. Curriculum Length in Months: 10

3. GRE/GMAT Required: No

4. The officer must understand the fundamental concepts and be familiar with the basic functional areas of military justice litigation within the DON and the DoD including:

a. ESR-1: Criminal procedure

(1) Pre-Trial: The role of law enforcement, proper methods of obtaining evidence and interviewing witnesses, rules and procedures related to convening criminal courts, pre-trial restraint and hearings, preliminary hearings, pre-trial agreements and discovery rules.

(2) Trial: The parts of a trial, motions practice, *voir dire*, pleas, findings and instructions.

(3) Post-Trial: Collateral consequences of litigation, the appellate process and clemency.

b. ESR-2: Criminal Law. Criminal offenses and defenses and the exercise of prosecutorial discretion, including charging decisions like alternative charging and lesser-included offenses.

c. ESR-3: Rules of evidence and witness testimony. Laying foundations, introducing real and demonstrative evidence, the use of experts and the rules governing direct examination and cross-examination.

d. ESR-4: Principles of sentencing. Use of evidence in aggravation, extenuation and mitigation, forms of punishments and the maximum punishments, proper sentencing arguments, sentencing instructions and voting procedures.

e. ESR-5: Due process protections and adverse administrative processes.

f. ESR-6: Ethics. Must be able to analyze and apply the principles of ethical decision making, including the standards of professional ethical behavior and exemplary conduct.

g. ESR-7: Ability to communicate in writing. Research and writing skills which cogently and creatively present a legal position while interweaving theme and theory.

h. ESR-8: Ability to orally articulate complex ideas to a variety of audiences, and interpret the non-verbal cues exhibited by clients, witnesses, potential members and other counsel, including the ability to use non-verbal communication concepts to evaluate *voir dire* and testimony.

5. Approved Schools List (for CIVINS programs):

a. American University

b. George Washington University

c. University of Virginia

d. All other schools will be evaluated through the Navy subspecialty review process for other graduate education programs or through the school waiver process for CIVINS programs.

6. Major Area Sponsor and Subject Matter Experts:

a. Major Area Sponsor: VADM John G. Hannink, JAGC, USN, Judge Advocate General of the Navy

b. Subject Matter Expert: CAPT Charles Purnell, JAGC, USN, Assistant Judge Advocate General (Chief Judge, Department of the Navy)

APPROVED: John G. Hannink 10 Dec 2018
Judge Advocate General DATE

APPROVED: [signature] 08 FEB 2019
President, NPS DATE

APPROVED: [signature] 8 May 2019
Director, OPNAV N12 DATE