



**DEPARTMENT OF THE NAVY**  
HEADQUARTERS UNITED STATES MARINE CORPS  
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WASHINGTON, DC 20350-3000

MCO 5430.2  
JA  
12 Dec 2013

MARINE CORPS ORDER 5430.2

From: Commandant of the Marine Corps  
To: Distribution List

Subj: ROLES AND RESPONSIBILITIES OF THE STAFF JUDGE ADVOCATE TO  
THE COMMANDANT OF THE MARINE CORPS

Ref: (a) 10 U.S.C. §§ 5041-5043  
(b) DoD Directive 5100.01, Functions of the Department of  
Defense and Its Major Components, 21 Dec 10  
(c) U.S. Navy Regulations (1990) as amended in 1993  
(d) SECNAVINST 5430.7Q  
(e) 10 U.S.C. § 162  
(f) 10 U.S.C. § 5046  
(g) SECNAVINST 5430.27D  
(h) DoD Directive 5500.17, Roles and Responsibilities of  
the Joint Service Committee (JSC) on Military Justice,  
3 May 2003  
(i) SECNAVINST 5430.25E  
(j) National Defense Authorization Act of FY 2013, Sec 531  
(k) MCO 5311.1D  
(l) 10 U.S.C. § 806  
(m) 10 U.S.C. § 1044  
(n) JAGINST 5803.1D  
(o) MCO P5800.16A w/ Change 6  
(p) NAVMC 3500.82  
(q) DoD Directive 2311.01E, DoD Law of War Program,  
9 May 2006

1. Situation

a. Pursuant to references (a) through (d), and consistent with the authority of the unified and specified commanders in reference (e), the Commandant of the Marine Corps (CMC) commands the Marine Corps and is responsible for organizing, training, equipping, administering, and maintaining the force, under the authority, direction, and control of the Secretary of the Navy (SECNAV). Accordingly, the CMC is directly responsible to SECNAV for the well-being, morale, and discipline of the force, to include implementing and administering the Uniform Code of

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Military Justice (UCMJ). This includes the responsibility, and corresponding authority, to organize and supervise legal support within the Marine Corps.

b. Pursuant to reference (f), the Staff Judge Advocate to the Commandant of the Marine Corps (SJA to CMC), under the direction of the CMC and SECNAV, shall perform such duties relating to legal matters arising in the Marine Corps, and other duties, as may be assigned to the SJA to CMC. As the senior uniformed legal advisor to the CMC, the SJA to CMC oversees and supervises the provision of legal support within the Marine Corps on behalf of the CMC.

c. In addition to the SJA to CMC's statutory role in reference (f), SECNAV assigned the SJA to CMC responsibilities in reference (g). These responsibilities include supervision and management of the legal support mission within the Marine Corps, as well as the professional responsibility oversight of individual Marine Corps judge advocates, legal administrative officers, legal services specialists, and certain civilian legal support providers. Pursuant to references (g) and (h), the SJA to CMC is the appointed representative for the Marine Corps and one of the five voting members on the Joint Service Committee for Military Justice.

d. Legal support, which includes command legal advice and legal services, is provided to the Marine Corps across multiple functional areas (e.g., military justice, administrative law, operational law, etc.). This Order does not apply to, nor does it affect legal advice and counsel provided by Counsel to the Commandant of the Marine Corps (CL). Pursuant to reference (i), CL provides advice and counsel within certain functional areas (e.g., acquisition law, labor law, environmental law, etc.) to the Marine Corps on behalf of the Department of the Navy's Office of General Counsel (OGC). As such, the SJA to CMC and CL shall maintain a close, cooperative working relationship on matters of common interest.

2. Mission. To establish and implement the roles and responsibilities of the SJA to CMC within the Marine Corps.

3. Execution

a. Commander's Intent

(1) Purpose. To better facilitate mission accomplishment, unit readiness, and maintenance of good order and discipline

within the Marine Corps and to better protect the rights of the accused and the interests of victims at courts-martial.

(2) Method. In reference (j), Congress clarified and enhanced the role of the SJA to CMC. This Order implements, within the Marine Corps, the SJA to CMC's statutory and regulatory roles as defined by Congress and SECNAV, and assigns SJA to CMC the roles and responsibilities necessary to assist the CMC and Headquarters Marine Corps (HQMC) in the execution of their Title 10 responsibilities.

(3) Endstate. Continuous, effective, and professional legal support is provided across relevant legal functional areas to HQMC, the operating forces (deployed and in garrison), the supporting establishment, and individual Marines, Sailors, and other eligible persons.

b. Concept of Operations. The SJA to CMC has the following primary roles.

(1) Senior uniformed legal advisor to the CMC and HQMC. Pursuant to references (f) and (g), the SJA to CMC serves as the CMC's senior uniformed legal advisor on all matters arising within the Marine Corps, and on all matters arising from the CMC's role as a member of the Joint Chiefs of Staff. The SJA to CMC provides legal advice, counsel, and guidance to the CMC and HQMC staff and agencies on any matter that they may direct to him, or on any matter that the SJA to CMC determines should be brought to their attention.

(2) Director, Judge Advocate (JA) Division. The SJA to CMC directly supervises and manages the branches within the JA Division, including: Community Development, Strategy, and Plans; Military Justice; International and Operational Law; Research and Civil Law; Legal Assistance; Judge Advocate Support; Judge Advocate Reserve Support; Trial Counsel Assistance Program; Judge Advocate Personnel Law; and Judge Advocate Information, Plans, and Programs. The SJA to CMC also oversees the Chief Defense Counsel of the Marine Corps and the Officer-in-Charge, Victims' Legal Counsel Organization.

(3) Functional proponent. The SJA to CMC assists the CMC and HQMC officials in the execution of their Title 10 responsibilities to train, organize, and equip organic legal support essential to a global expeditionary force in readiness. As a functional proponent for command legal advice and legal services, SJA to CMC assists the CMC and relevant functional

advocates by identifying capabilities, deficiencies, and solutions related to legal support structure and staffing. Reference (k) assigns the SJA to CMC as the primary point of contact for legal matters.

(4) Functional supervisor. Functional supervision includes the authority to formulate, promulgate, inspect, and enforce uniform standards and procedures for the performance of legal support tasks. The SJA to CMC provides functional supervision over the performance of the following legal support functions: military justice; administrative law; operational law; legal assistance; victims' legal services; certain civil law capabilities; and legal support administration. The SJA to CMC's authority to exercise functional supervision derives directly from references (f), (l), and (m), as well as Title 10 authority delegated by SECNAV and CMC. This authority does not include direction and control of individual judge advocates, legal services specialists, or other legal support providers in the performance of their duties. Direction and control of legal support personnel remains an inherent function and responsibility of the chain of command. The SJA to CMC does not exercise functional supervision over the judge advocates assigned to or providing support under the cognizance of the OGC.

(5) Professional responsibility oversight. References (g) and (n) assign the SJA to CMC as Rules Counsel, with the responsibility to exercise professional responsibility oversight over all Marine Corps judge advocates and over those civilian attorneys who practice law under the SJA to CMC's cognizance.

c. Subordinate Element Missions

(1) In performing the roles assigned in paragraph 3b, the SJA to CMC shall have the following specific responsibilities:

(a) directly supervise and manage all attorneys (judge advocates and civilians) providing legal advice and services to the CMC and HQMC on all matters falling under the SJA to CMC's cognizance;

(b) advise the Deputy Commandant for Manpower and Reserve Affairs (DC, M&RA) on the assignment of all active and reserve Marine officers and enlisted personnel in the 44XX Occupational Field;

(c) serve as occupational field manager and provide Military Occupational Specialty (MOS) management for the 44XX Occupational Field;

(d) oversee the professional development, training, and education of all Marine judge advocates, legal administrative officers, and legal services specialists;

(e) provide doctrinal proponentcy for Marine Corps legal support, including the preparation, review, and periodic update of Marine Corps Warfighting Publication 4-12.1, Marine Corps Legal Support;

(f) participate in all force structure Doctrine, Organization, Training, Material, Leadership and Education, Personnel, Facilities, and Cost assessments and provide subject matter expertise to various force structure related working groups;

(g) review, and provide comments, concurrence, and non-concurrence to all Tables of Organization & Equipment Change Requests and 5400 series Marine Corps Bulletins that impact MOS 44XX billets or other legal support organizations;

(h) within applicable functional areas, formulate, promulgate, and implement uniform standards and procedures for the performance of legal support tasks throughout the Total Force;

(i) revise reference (n) and make revision recommendations to the Commanding General, Training and Education Command, on reference (o), as necessary, to maintain standards of performance and conduct for the 44XX Marines performing legal support within the Marine Corps;

(j) assist the CMC with implementing and administering the UCMJ;

(k) provide an annual report to the CMC on the state of military justice within the Marine Corps;

(l) pursuant to reference (m), conduct, or have senior members of the SJA to CMC's staff conduct, frequent inspections in the field to ensure compliance with uniform performance standards. Provide reports of inspections to respective commanders. These inspections are independent of, and in addition to, the Commanding General's Inspection Program, or any inspections conducted by cognizant commanders;

(m) conduct inspections and inquiries to ensure compliance with standards of professional conduct. Provide reports of inspections and inquiries to respective commanders as appropriate; and

(n) serve as a liaison between HQMC and all external agencies and organizations as required.

(2) Additional Departmental and Joint responsibilities:

(a) pursuant to reference (g), provide independent legal advice to the SECNAV on matters delineated in reference (g) and as assigned by the SECNAV;

(b) pursuant to reference (g), maintain a close and cooperative working relationship with the Judge Advocate General of the Navy (JAG) in formulating and implementing Department of the Navy-wide policies and initiatives pertaining to the provision of legal support throughout the Department;

(c) pursuant to reference (g), serve as a Deputy Designated Agency Ethics Official for the Marine Corps;

(d) in conjunction with CL, provide legal advice and training on standards of conduct and government ethics, review public financial disclosure reports, and review and maintain confidential financial disclosure reports;

(e) pursuant to reference (g), serve as co-chair of the Military Justice Oversight Council;

(f) pursuant to references (g) and (h), serve as the Marine Corps representative and a voting member of the Joint Service Committee on Military Justice; and

(g) pursuant to reference (p), serve as a member of the Department of Defense Law of War Working Group.

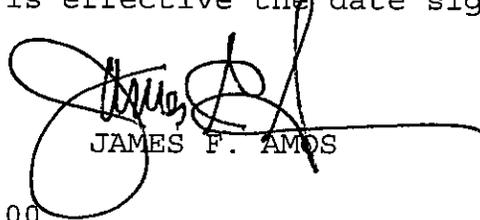
d. Coordinating Instruction. In furtherance of reference (f), no one within the Marine Corps may interfere with the ability of the SJA to CMC to provide independent legal advice, counsel, and guidance to the CMC and HQMC staff and agencies.

4. Administration and Logistics. Recommendations concerning the contents of this Order may be forwarded to CMC (JA) via the chain-of-command.

5. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



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