

145. Provide the average caseload for the personnel in the following positions, as well as the percentage of their caseload that are sexual assault cases:

- A. Trial counsel (general practitioners),
- B. Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc),
- C. Defense counsel.

USA	<p>Answer A: Trial Counsel (general practitioners):</p> <ul style="list-style-type: none"> • Based on a data call to the Chiefs of Justice, the average reported caseload for a Trial Counsel over the last year is 10 courts-martial. • According the Office of the Clerk of Court, U.S. Army Court of Criminal Appeals, there were 909 courts-martial tried to completion in FY13 (635 GCMs and 274 SPCMs), of which 205 were sexual assault related cases with findings entered. Typically, two trial counsel would be assigned to each court-martial. The Army had approximately 400 trial counsel, so each counsel would average approximately 4.5 cases tried to findings. The total number of courts-martial above from the Clerk of Court, U.S. Army Court of Criminal Appeals does not include cases in which charges were preferred, but never tried to completion due to alternate disposition (estimated at over 1,000 cases during FY 13). • Trial counsel have significant duties outside the courtroom, advising commanders on the administration of approximately 35,300 non-judicial punishment consultation actions, roughly 30,400 separation or elimination actions, and around 24,300 other military justice consultation actions. <p>Answer B: Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc):</p> <ul style="list-style-type: none"> • On average, each Special Victim Prosecutor handles approximately 198 cases per year in various capacities. This workload breaks down as follows: <ul style="list-style-type: none"> ○ SVPs represent the Army at trial in about 16 cases each, or about 13.8% of all sexual assault, domestic violence, and child abuse or exploitation cases (i.e., "special victim cases"). ○ SVPs provide significant supervision and direction to trial counsel in another 15, or about 12.7% of SV cases. ○ SVPs actively assist the investigation and resolution of another 52, or about 36.5% of SV cases. ○ SVPs report, review, and track the remaining 115, or 37% of cases. These also include cases investigated and unfounded or uncharged. <p>Answer C: Defense Counsel:</p>
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	<ul style="list-style-type: none"> • During Fiscal Year 2013, U.S. Army Trial Defense Service (TDS) was staffed with 140 trial defense counsel worldwide trying cases (121 Captains and 19 Majors). There are nine Regional Defense Counsel (RDCs) who supervise the delivery of defense counsel services, but rarely represent Soldier-clients at trial. • According to the Office of the Clerk of Court, U.S. Army Court of Criminal Appeals, during Fiscal Year 2013 there were a total of 909 courts-martial tried to completion (635 GCMs and 274 SPCMs), of which 205 were sexual assault related cases with findings entered. • Trial defense counsel averaged around 7 courts-martial per counsel tried to completion in Fiscal Year 2013, of which around 23% were sexual assault related cases. Ordinarily, two trial defense counsel are detailed to each case, especially when it involves sexual assault related charges. • Trial defense counsel, unlike their trial counsel counterparts, must also expend significant time and effort preparing and submitting clemency matters as part of their post-trial representational duties. • The total number of courts-martial above from the Clerk of Court, U.S. Army Court of Criminal Appeals does not include cases in which charges were preferred, but never tried to completion due to alternate disposition (estimated at over 1,000 cases during Fiscal Year 2013). In many of these cases, trial defense counsel would have investigated the underlying allegations, represented the Soldier-client at an Article 32 investigation, and litigated motions. These cases have a significant impact on the workload of each defense counsel. • In addition, aside from cases tried to completion, a trial defense counsel's caseload in Fiscal Year 2013 included legal defense services to Soldiers facing other kinds of adverse actions. During Fiscal Year 2013, TDS counsel assisted Soldier-clients in around 35,300 non-judicial punishment consultation actions, roughly 30,400 separation or elimination actions, and around 24,300 other military justice consultation actions.
USAF	<p>Answer A: Trial counsel (general practitioners)</p> <p>The following numbers reflect the number of cases per base-level trial counsel and does not include Senior Trial Counsel.</p> <p>AF Wide – CY13 – 779 CMs/493 TCs = 1.58 CMs per TC. (169 SA CMs = 0.34 SA CMs per TC)</p> <p>ACC – CY13 – 172 CMs/80 TCs = 2.15 CMs per TC. (29 SA CMs = 0.36 SA CMs per TC)</p> <p>AMC – CY13 – 108 CMs/63 TCs = 1.17 CMs per TC. (29 SA CMs = 0.46</p>

SA CMs per TC)

USAFE – CY13 – 58 CMs/43 TCs = 1.35 CMs per TC. (13 SA CMs = 0.30

SA CMs per TC)

AETC – CY13 – 137 CMs/64 TCs = 2.14 CMs per TC. (31 SA CMs = 0.48

SA CMs per TC)

AFGSC – CY13 – 66 CMs/94 TCs = 0.70 CMs per TC. (20 SA CMs = 0.21

SA CMs per TC)

AFDW – CY13 – 31 CMs/13 TCs = 2.38 CMs per TC. (3 SA CMs = 0.23

SA CMs per TC)

AFMC – CY13 – 72 CMs/53 TCs = 1.36 CMs per TC. (17 SA CMs = 0.32

SA CMs per TC)

USAF A – CY13 – 4 CMs/4 TCs = 1 CM per TC. (3 SA CMs = 0.75 SA

CMs per TC)

AFSPC – CY13 – 27 CMs/24 TCs = 1.13 CMs per TC. (3 SA CMs = 0.13

SA CMs per TC)

PACAF – CY13 – 72 CMs/44 TCs = 1.64 CMs per TC. (16 SA CMs = 0.36

SA CMs per TC)

AFSOC – CY13 – 32 CMs/11 TCs = 2.91 CMs per TC. (5 SA CMs = 0.45

SA CMs per TC)

Answer B: Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc),

- On average, annually the Senior Trial Counsel (including the subset of Special Victim Unit prosecutors) prosecute to conclusion 15 courts-martial. Of this total, approximately 70% are sexual-assault cases. The “caseload” of a STC is much higher, however, as they also are detailed to cases (including sexual assault cases) that will not reach conclusion through courts-martial. For example, STCs are detailed to cases early in the investigative stage which, at the end of that investigation will not result in preferred charges and cases that have been preferred but which are not referred to trial. This applies to both sexual assault and non-sexual assault cases. An approximation of such a “caseload” is 40, again with approximately 70% being sexual-assault-related cases.

Answer C: Defense counsel.

- The following information was extracted from AMJAMS and ADER (AF case-tracking databases available to the AF defense community). Due to limitations inherent in both databases, the numbers only reflect a current snapshot of active cases. Specifically, it is not possible to determine which cases currently tracked as "pending" for ADER purposes (total of 334 cases at the moment) involve Art 120 offenses nor can it be assessed whether those cases will in fact result in a trial of some sort.

	<p>Consequently, as of this moment:</p> <ul style="list-style-type: none"> -There are 268 active courts with defense representation for an average of 3.2 cases per defender. -There are 334 pending courts with defense representation for an average of 3.9 per defender. -There are 84 post-trial cases with defense representation for an average of 1 per defender. <p>-Total Courts per defender is 8.1</p> <ul style="list-style-type: none"> -Of the 268 active courts, 91 involve at least one Art 120 charge for an average of 37%. -Of the 84 post-trial cases with defense representation, 56 involve at least one Art 120 for an average of 66%.
USN	<p>Answer A: Trial counsel (general practitioners),</p> <p>Navy prosecutors complete the trial process and take to verdict approximately 8 courts-martial per year per counsel. This number does not reflect the significant prosecutor involvement in reviewing investigations and assessing allegations that are disposed of outside the full court-martial process. At any point in time, an individual prosecutor will carry approximately 20 total cases, of which about 80% involve an allegation of a sexual offense.</p> <p>Answer B: Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc),</p> <p>The Navy regional trial office construct is designed to allow worldwide coordination and collaboration of Navy legal resources. Each regional trial department is headed by an O-4 or O-5 Senior Trial Counsel (STC) designated in the Navy's Military Justice Litigation Career Track (MJLCT). Additionally, many STC have received a Masters of Law (LL.M.) degree in Trial Advocacy or Litigation. Within the regional trial office construct, the STC supervises all cases, directly prosecuting some cases and mentoring other prosecutors. All STCs carry an active case load that varies depending upon the number types of cases being handled by the office, as well as the number and experience of subordinate counsel. In addition to trying cases, STCs manage the caseload, detailing themselves or other counsel to cases based on experience, ability, and workload. In all cases involving allegations of a special victim crime, the STC provide invasive on-scene leadership and supervision with the assistance of the Navy Trial Counsel Assistance Program and the Region Legal Service Office O-6 judge advocate commanding officer. Based on a recent snapshot of STC caseloads, they are detailed as trial counsel or assistant trial counsel to an average of 10 cases at any given time, with some having up to 20 cases. As with other prosecutor case loads, approximately 80% of these cases involve an allegation of sexual assault.</p>

	<p>Answer C: Defense counsel.</p> <p>While the numbers for counsel vary between geographic regions, the average caseload at any one time for Navy Defense Counsel is 8-12 cases per counsel with an average of 70% of those cases involving sexual assault. Sexual assault cases comprise the overwhelming majority of contested cases.</p>
USMC	<p>Answer A: Trial counsel (general practitioners),</p> <p>Trial counsel in the Marine Corps that are not designated as special victim capable cannot be the lead trial counsel on a special victim case, but they can be assistant trial counsel on these cases. The average trial counsel (general practitioner) in the Marine Corps carries 12 courts-martial cases and of those, approximately 25% of those are special victim cases to which they are detailed as an assistant trial counsel. By “second seating” special victim cases, they are able to build their competence in prosecuting special victim cases.</p> <p>Answer B: Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc),</p> <p>The average Special Victim Capable trial counsel carries 11 courts-martial cases, and of those approximately 47% of those are special victim cases.</p> <p>Answer C: Defense counsel.</p> <p>Utilizing data from February 2014, the average defense counsel is carrying 10 cases, and of those approximately 26% of those are special victim cases.</p>
USCG	<p>Answer A: Trial counsel (general practitioners),</p> <ul style="list-style-type: none"> • Based on a survey of Coast Guard field legal offices, the average caseload for Coast Guard trial counsel for Fiscal Year 2013 is approximately 10 military justice matters per fiscal year, per attorney. This figure includes all cases handled by Coast Guard prosecutors whether or not charges are preferred in the case or if the case is concluded at court-martial. Approximately 42% of all military justice matters handled by trial counsel are sexual assault cases. It should be noted that nearly all Coast Guard trial counsel are not solely assigned trial counsel duties, and that they also engage in other legal practices in support of the Coast Guard operations. <p>Answer B: Specialized Prosecutors specifically designated to fulfill the Special Victim Capability (SVPs, Senior Trial Counsel, etc),</p> <ul style="list-style-type: none"> • The Coast Guard does not have any specialized prosecutors specifically designated to fulfill the Special Victim Capability. All Coast Guard judge advocates who serve in a trial counsel capacity are expected to prosecute any referred court-martial that is within their capability and experience, regardless of the type of crime that has been alleged.

<p>The Coast Guard does not tailor the assignment of trial counsel and otherwise provide support in particular cases.</p> <p>Answer C: Defense counsel.</p> <ul style="list-style-type: none">• In accordance with the Memorandum of Understanding between the Judge Advocate General, United States Coast Guard, and the Judge Advocate General, United States Navy regarding Mutual Support in Military Justice Matters, the Navy provides defense counsel and counsel for respondents, along with certain other military justice defense support services, to Coast Guard courts-martial, boards of inquiry, and administrative discharge boards. The Navy’s description of the average caseload for defense counsel should incorporate representation of Coast Guard members.
