

146. Some of the defense counsel interviewed have stated that the defense counsel training budget is both insufficient and significantly less than that for trial counsel, even when adjusted to correct for number of counsel.

- A. Do the Defense Services Organizations/Trial Defense Services have their own budget for training (including travel)?
- B. If so, what is the annual training budget for defense counsel versus trial counsel?
- C. Please include relevant comparable annual figures for trial counsel/TCAP/prosecution training.
- D. Please be sure to make the numbers meaningfully comparable by including any external funding sources for training programs that may be used to augment nominal funding (e.g., NAC, NDAA, NCMEC, etc.). In other words, include a total per capita spending estimate for the past year for trial counsel training versus defense counsel training, regardless of the source from which the funding originated to ensure that spending on counsel training is fairly represented.

USA	<p>Answer A:</p> <p>No. The U.S. Army Trial Defense Service (USATDS) does not have its own budget. However, USATDS is funded by two sources. The United States Army Legal Services Agency (USALSA) funds defense counsel travel and training that is not related to sexual assault. The Trial Defense Service also receives funds from The Office of The Judge Advocate General (OTJAG). OTJAG receives \$3.5M annually for sexual assault related travel and training. These funds cover salary for the Highly Qualified Experts for the Trial Counsel Assistance Program (TCAP) and the Defense Counsel Assistance Program (DCAP), Special Victim Prosecutor travel, and all sexual assault related training. Both TCAP and DCAP submit their requirements for courses/costs to OTJAG. In Fiscal Year 2013, OTJAG did not disapprove any requests from DCAP or TCAP for sexual assault training event funding.</p> <p>Answer B:</p> <p>In Fiscal Year 2013, TCAP received \$468,734.64 in sexual assault training funds. In the same year, DCAP received approximately \$370,000 in sexual assault funds. DCAP received an additional \$5,600 on non-DoD hosted training events for defense counsel with specialized training needs such as capital litigation training.</p> <p>Answer C:</p> <p>TCAP hosted 18 training events (1 joint) and DCAP hosted 18 training events (2 joint). TCAP attendees totaled 333 and DCAP attendees totaled 365.</p> <p>Answer D:</p> <ul style="list-style-type: none"> a. TCAP \$468,734.64/333 attendees = avg. \$1407.61 per counsel b. DCAP \$377,178.96/365 attendees = \$1033.36 per counsel <p>Additional information from Trial Defense Service:</p>
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	<p>With approximately 150 defense counsel at any given time during FY13, the average per capita expenditure on training would be about \$2,500. This figure, however, does not include money expended on trainers, civilian and military. Furthermore, for just about every one of the training events, there were local attendees where no funding was expended to support their participation in the training.</p> <p>In addition, individual defense counsel also attend civilian CLE courses at their own expense to satisfy state bar requirements. Such expenditures are not captured in the above figures. Moreover, besides centralized training conducted by DCAP, it is the primary responsibility of Senior Defense Counsel (SDCs) and Regional Defense Counsel (RDCs) to develop and mentor defense counsel, consistent with the USATDS mission. To that end, individual training plans (ITP) are developed for each defense counsel within 30 days after he or she reports to USATDS. Quarterly training plans (QTP) are also developed for each field office and forwarded to the RDC for approval. QTPs are developed based on individualized assessment of strengths and weaknesses identified during the ITP and the court-martial AAR review process. SDCs and RDCs also continuously monitor the training status of each defense counsel, and adjust the training plans as necessary.</p> <p>Besides formalized training, defense counsel may also reach back to DCAP for advice on individual cases. This advice may include researching case law, answering specific questions, and providing sample motions, expert requests, and other trial documents that might be helpful in the defense of the case. During FY13, DCAP responded to over two thousand inquiries from defense counsel in the form of emails, phone calls, and in-person inquiries during training events.</p>
USAF	<p>Answer A: Yes</p> <p>Answer B: - \$350,000 for other than litigation travel (i.e. training)</p> <p>Answer C:</p> <p>The Division which supervises the Senior Trial Counsel (including the subset of Special Victim Unit prosecutors) does not have a separate training budget, with approval for training being handled on an ad hoc basis. All STC attend a 4-day annual training course at Maxwell AFB. Throughout the year, six STCs have also attended the new Advanced Sexual Assault Litigation Course (ASALC) at Maxwell AFB (which course includes attendance by six Area and Senior Defense Counsel), the Army's Special Victims Unit Investigations at Ft Leonard Wood, the Sex Crimes Investigation Training Program at the Federal Law Enforcement Training Center (FLETC -- hosted by AF Office of Special Investigations), and assorted sexual-assault-related courses hosted by the National District Attorney's Association and AEquitas. Though included within this list, attendance by STCs at some of these events (e.g. the OSI course at FLETC) is in a split role as faculty/attendee. On average, a STC attends two such training events annually. Using \$2,000 as an average expense for attendance at such events (travel, per diem, fees and costs), JAJG spends approximately \$40,000 a</p>

	<p>year on training.</p> <p>Answer D:</p> <ul style="list-style-type: none"> - No outside sources of funding utilized last year. - Total per capita spending estimate for Senior Trial Counsel training (19 STCs) is \$2105 per STC. - Total per capita spending estimate for all defender training (187 defenders) is \$1870 per defender.
USN	<p>Answer A:</p> <p>Defense Service Offices do not have their own budget for training. However, defense counsel are funded for training at the same degree and level as trial counsel. While it is true that DoD SAPRO funding has only been made available to trial counsel in the past, the Navy has provided separate sources of funding to defense counsel.</p> <p>The Naval Justice School administers the funding and quota allotments for trial and defense counsel and approves a certain number of funded seats for each training course offered at the Naval Justice School or other established course. For example, 20 funded seats were made available for the Basic Trial Advocacy class this year. Those wishing to attend submit requests and receive quotas – this year all who applied received funded seats. For specific trial and defense training, the BOA approved 15 seats each for the Defense Counsel Orientation Course and Trial Counsel Orientation Course. Additionally, each of the Navy’s four Defense Service Offices (DSO) is allocated approximately \$10,000 per fiscal year for training of counsel, paralegals, and civilians, averaging \$700 per counsel if all funds are spent on counsel training.</p> <p>Answer B: See above response.</p> <p>Answer C:</p> <p>In FY13, the following amounts were expended:</p> <p>Prosecuting Alcohol Facilitated Sexual Assault (PAFSA): \$59,927 Defending Sexual Assault Cases (DSAC): \$83,446</p> <p>Note that these courses are funded from separate funding streams – traditionally DSAC costs more and receives more funding due to location and cost of facilities. Last year every student who applied for a funded seat at either of these courses was approved.</p> <p>Answer D: Navy trial and defense counsel training does not receive external funding.</p>
USMC	<p>Answer A:</p> <p>The office of the Chief Defense Counsel has a budget, the intended purpose of which is</p>

	<p>to fund the required annual travel/inspection by the Chief Defense Counsel of the Marine Corps to each LSSS and subordinate LSSTs due to his functional supervision of defense services throughout the Marine Corps; the annual travel/inspections by the DSO Legal Chief; as well as training/travel of the judge advocate assigned to the DSO as the Defense Counsel Assistance Program. Per Marine Corps Order P5800.16A w/ch 1-7, Marine Corps Manual for Legal Administration (LEGADMINMAN), the training/travel of individual defense counsel falls under the cognizance of the local LSSS. In FY13, HQMC Judge Advocate Division (JAD) also provided the Marine Corps DSO access to \$250,000 in training funds specific to SAPR/special victim capability (SVC) training events, in addition to the DSO's budget and funds provided locally by the LSSSSs.</p> <p>Answer B:</p> <p>A guiding principle within the LEGADMINMAN is that training funds shall be equitably distributed between the trial and defense functions at local commands through the LSSS or LSST. In FY13, the Marine Corps met the principle locally and at the headquarters level – HQMC JAD provided the DSO access to \$250,000 in SAPR/SVC training funds and provided the Marine Corps Trial Counsel Assistance Program with \$250,000 in SAPR/SVC training funds as well.</p> <p>Answer C: Please see answer above.</p> <p>Answer D:</p> <p>While the Marine Corps, at the headquarters level, does not track the funds that defense counsel and trial counsel receive at the local level, the LEGADMINMAN ensures that funds are distributed equitably at the LSSS level. As stated previously, both the DSO and TCAP received \$250,000 in training funds for courses focusing on defending and prosecuting sexual assault cases. With approximately 80 defense counsel and 90 trial counsel, the per capita average is \$3,125 per defense counsel and \$2,778 per trial counsel for FY13. Importantly, no significant trial or defense counsel training events went unfunded due primarily to funding provided by DoN and DoD SAPRO</p>
USCG	<p>Answer A and B:</p> <p>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 U.S. Navy is available to provide data regarding training budgets for its defense counsel.</p> <p>Answer C and D:</p>

	<p>Over the last fiscal year and through the current fiscal year, the Coast Guard has sent 18 trial counsel to the U.S. Army Special Victims Unit Investigator Course (SVUIC). This two week course is held at Fort Leonard Wood, MO and there is no cost to the USCG to attend SVUIC. The U.S. Army also supplements all travel and lodging related to this course.</p> <p>The Coast Guard has also sent two judge advocates to the Prosecuting Alcohol Facilitated Sexual Assault training offered by the U.S. Navy. One judge advocate has also attended the Prosecution of Child Abuse and Exploitation at Court-Martial training offered by the National District Attorneys Association. Costs associated with these two courses totaled approximately \$6,250.</p>
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