

**JUDICIAL PROCEEDINGS PANEL  
REQUEST FOR INFORMATION SET # 6**

**119. (Update to RSP RFI 75) DoD and the Services: Are there training standards or experience requirements for attorneys to prosecute or defend an adult sexual assault cases? If so, please provide a copy of any guidance.**

<b>DoD</b>	<p>Article 27, UCMJ requires the Secretaries of the Military Departments to prescribe regulations regarding the matter in which trial and defense counsel are detailed to courts-martial. It further provides that a trial or defense counsel must be a judge advocate who is a graduate of an accredited law school or is a member of the bar of a Federal court or of the highest court of a State and must be certified as competent to perform such duties by the Judge Advocate General of the armed force of which he or she is a member. Additionally, pursuant to Article 27, TJAGS and the SJA to the CMC are responsible for assigning trial and defense counsel consistent with their regulations. Both trial and defense counsel must be similarly qualified when detailed to a court-martial.</p> <p>Additionally, as required by the National Defense Authorization Act (NDAA) for FY 2016, the DoD will develop a policy to standardize the time period within which SVCs/VLCs receive training and establish baseline training requirements for SVCs/VLCs.</p>
<b>USA</b>	<p>TDS: No update to previous response to RSP RFI 75.</p> <p>TCAP: In addition to response previously provided for RSP RFI 75, please see attachment RFI 111b.</p> <p><b>ENCLOSURE:</b></p> <p>SVP TCAP INFO Paper</p>
<b>USAF</b>	<p>To serve as a prosecuting or defense attorney on an adult sexual assault case, the judge advocate must meet the minimum qualifications to serve as a judge advocate outlined in JPP RFI 111(b). Additionally, to serve as trial counsel, or lead counsel, in a general court-martial, the judge advocate must be certified under the criteria outlined in JPP RFI 111(b). To serve as defense counsel in an adult sexual assault case, the judge advocate must meet the best-qualified standard outlined in JPP RFI 118(a). While there are no specific training requirements for trial counsel in an adult sexual assault case, the Air Force has a substantial training program and litigation roadmap that is outlined in JPP RFIs 111, 112(b), and 118(b). Other than attending the Defense Orientation Course, there is no specific training requirement for defense counsel in an adult sexual assault case, but there are multiple training opportunities. All of the classes offered and attended by trial counsel and defense counsel are listed in the attachment to JPP RFI 120.</p>
<b>USN</b>	<p>For defense counsel, same answer as provided in 118a.</p> <p>For government counsel, no update to experience requirements. With respect to training, Trial Counsel complete either a one week adult sexual assault course (AASAITP) or a two week domestic violence and child abuse course (AFSVTP) at the Federal Law Enforcement Training Center. These courses are developed by the Trial Counsel Assistance Program (TCAP) in conjunction with NCIS. In addition, specialized training includes either Prosecuting Alcohol Facilitated Sexual Assault or Prosecuting Special Victim Crimes at the Naval Justice School, intermediate trial advocacy, litigating complex cases, TCAP targeted mobile training, monthly online special victim offense or</p>

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	litigation training and attendance at other Service courses, including regional courses sponsored by USMC TCAP.
<b>USMC</b>	<p>For trial counsel, there are training standards and experience requirements that must be met before the counsel can prosecute a sexual assault case. These standards have not changed from those articulated in RSP RFI 75.</p> <p>For defense counsel, there are no established training standards other than the aforementioned detailing decision made by the detailing authority in accordance with CDC Policy Memo 3.1, enclosure (6). The Defense Services Organization attempts to put the best counsel on each case.</p> <p><b>ENCLOSURE:</b></p> <p>CDC Policy Memo 3.1 – Detailing and Individual Military Counsel Determination Authority for Counsel Assigned to the Marine Corps Defense Services Organization, dated 6 October 2014</p>
<b>USCG</b>	There are no specific training standards or requirements for attorneys to prosecute or defend adult or child sexual assault cases. However, the Coast Guard’s practice is to detail the most experienced and qualified attorneys within the servicing legal office to such cases. When there is limited experience within the servicing legal office, an attorney from the Legal Service Command or from another Coast Guard office may be detailed to serve as either lead or assistant trial counsel.