REPORT OF THE

UNITED STATES COURT OF APPEALS

FOR THE ARMED FORCES

October 1, 1999 to September 30, 2000

The Judges of the United States Court of Appeals for the Armed Forces submit their annual report on the administration of the Court and military justice during the 2000 Term of the Court to the Committee on Armed Services of the United States Senate and the United States House of Representatives, and to the Secretaries of Defense, Transportation, Army, Navy, and Air Force in accordance with Article 146, Uniform Code of Military Justice, 10 USC § 946.

THE BUSINESS OF THE COURT

The number of cases carried over on the Court's Petition Docket at the end of the 2000 Term of Court reflected a decrease of 33% from the number of cases pending at the end of the prior reporting period. (See Appendix A.) The number of cases carried over on the Master Docket decreased by 9% during the same period. (See Appendix B.)

During the 2000 Term of the Court, the number of petitions for grant of review filed with the Court decreased by 28% compared with the prior reporting period. (See Appendix J.) The number of oral arguments remained fairly constant during the 2000 Term of Court, and the number of opinions released by the Court decreased by 11%. (See Appendices C and D.)*

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* Although not part of the business of the Court, it is noted that during its 2000 Term, 19 petitions for writ of certiorari were filed with the Supreme Court of the United States, and 2 others were carried forward from the prior year. Of these, 14 petitions were denied this Term, leaving 7 petitions pending at the end of the Term.

The overall average processing time from filing to final decision in all cases during the 2000 Term of Court decreased 7% compared with the prior reporting period. (See Appendix I.) The average processing time from the date of filing a petition to the date of grant by this Court decreased by 23% compared with the prior reporting period. (See Appendix E.) The processing time from the date of grant to the date of oral argument decreased by 11% when compared with this average during the prior Term of the Court. (See Appendix F.) The average processing time from the date of oral argument to final decision decreased by 7% when compared with the prior reporting period. (See Appendix G.) The average processing time from the filing of a petition to final decision on the Petition Docket decreased by 18%, and the same overall average on the Master Docket decreased by 11%. (See Appendix H.)

The Chief Justice of the United States acting pursuant to Article 142(f), Uniform Code of Military Justice, 10 USC § 942(f), designated the Honorable H. Robert Mayer, United States Court of Appeals for the Federal Circuit; the Honorable David M. Ebel, United States Court of Appeals for the Tenth Circuit; the Honorable James M. Fitzgerald, United States District Court for the District of Alaska; the Honorable Howard B. Turrentine, United States District Court for the Southern District of California; and the Honorable Daniel B. Sparr, United States District Court for the District of Colorado to sit with the United States Court of Appeals for the Armed Forces during the 2000 Term of Court.

Senior Judge Walter T. Cox, III was recalled for the entire Term of Court, and Senior Judge Robinson O. Everett was recalled and participated in the review and decision of several cases during the 2000 Term of Court.

During fiscal year 2000, the Court admitted 262 attorneys to practice before its Bar, bringing the cumulative total of admissions before the Bar of the Court to 31,969.

PUBLIC AWARENESS PROJECT
(PROJECT OUTREACH)

In furtherance of a practice established in 1987, the Court scheduled several special sessions and heard oral arguments in selected cases outside its permanent Courthouse in Washington, D.C., during the 2000 Term of Court. This practice, known as "Project Outreach," was developed as part of a public awareness program to demonstrate the operation of a Federal Court of Appeals, and the quality of the military's criminal justice system. The Court conducted hearings during this period, without objection of the parties at Catholic University of America, Columbus School of Law, Washington, D.C.; University of San Diego Law School, San Diego, California; United States Air Force Academy, Colorado Springs, Colorado; and the Association of the Bar of the City of New York, New York, New York.

"Project Outreach" has continued to promote an increased public awareness of the fundamental fairness of the military criminal justice system and the role of the Court in the overall administration of military justice throughout the world. The Court hopes that those who attend these hearings from both military and civilian communities will realize that the United States is a democracy that can maintain an armed force instilled with the appropriate discipline to make it a world power, while affording all its members the full protection of the Constitution of the United States and federal law.

JUDICIAL VISITATIONS

During the 2000 Term of Court, the Judges of the Court, consistent with past practice and their ethical responsibility to oversee and improve the entire military criminal justice system, participated in professional training programs for military and civilian lawyers, spoke to professional groups of judges and lawyers, and visited with judge advocates and other military personnel at various military installations throughout the world.

JUDICIAL CONFERENCE

On June 12 and 13, 2000, the Court held its annual Judicial Conference at the Catholic University of America, Columbus School of Law, Washington, D.C. The program for this Judicial Conference was certified for credit to meet the continuing legal education requirements of numerous State Bars throughout the United States. The Conference opened with welcoming remarks and a presentation by the Honorable Susan J. Crawford, Chief Judge, United States Court of Appeals for the Armed Forces. The following speakers participated in this year's Conference: Professor Jonathan R. Turley, George Washington University Law School; Professor Paul Butler, George Washington University Law School; Colonel William R. Hagan, USA (Ret.); Mr. Thomas Booth, Attorney, Appellate Section, Criminal Division, Department of Justice; Colonel Charles R. Myers; USAF, Former Professor, United States Air Force Academy; Colonel William Colwell, USAF (Ret.), President, Judge Advocates Association; Professor Stephen A. Saltzburg, George Washington University Law School; Major David Benedek, USA, Chief, Psychiatry Clinic, Walter Reed Army Medical Center; Colonel James Young, USAF, United States Air Force Court of Criminal Appeals; Major Victor M. Hansen, USA, Professor, Criminal Law Division, The Judge Advocate General's School, United States Army; Major Edward J. O'Brien, USA, Professor, Criminal Law Division, The Judge Advocate General's School, United States Army; and Major Jon W. Shelburne, USMC, Assistant Procedure Division Officer, Naval Justice School, United States Navy.

SUSAN J. CRAWFORD
Chief Judge

EUGENE R. SULLIVAN
Associate Judge

H.F. "SPARKY" GIERKE
Associate Judge

ANDREW S. EFFRON
Associate Judge

JAMES A. BAKER
Associate Judge

USCA STATISTICAL REPORT

2000 TERM OF COURT

CUMULATIVE SUMMARY

CUMULATIVE PENDING OCTOBER 1, 1999

Master Docket	77
Petition Docket	226
Miscellaneous Docket	3
TOTAL	306

CUMULATIVE FILINGS

Master Docket	157
Petition Docket	753
Miscellaneous Docket	23
TOTAL	933

CUMULATIVE TERMINATIONS

Master Docket	164
Petition Docket	827
Miscellaneous Docket	23
TOTAL	1014

CUMULATIVE PENDING OCTOBER 1, 2000

Master Docket	70
Petition Docket	152
Miscellaneous Docket	3
TOTAL	225

OPINION SUMMARY

CATEGORY	SIGNED	PER CURIAM	MEM/ORDER	TOTAL
Master Docket	107	3	54	164
Petition Docket	0	0	827	827
Miscellaneous Docket	0	0	23	23
TOTAL	107	3	904	1014

FILINGS (MASTER DOCKET)

Remanded from Supreme Court	0
Returned from Court of Criminal Appeals	3
Mandatory appeals filed	0
Certificates filed	12
Reconsideration granted	0
Petitions granted (from Petition Docket)	142
TOTAL	157

TERMINATIONS (MASTER DOCKET)

Findings & sentence affirmed	127		
Reversed in whole or in part	31	Signed	107
Granted petitions vacated	1	Per curiam	3
Other disposition directed	5	Mem/order	54
TOTAL	164	TOTAL	164

PENDING (MASTER DOCKET)

Awaiting briefs	12
Awaiting oral argument	37
Awaiting lead case decision (trailer cases)	18
Awaiting final action	3
TOTAL	70

FILINGS (PETITION DOCKET)

Petitions for grant of review filed	750
Petitions for new trial filed	0
Cross-petitions for grant filed	2
Petitions for reconsideration granted	1
Returned from Court of Criminal Appeals	0
TOTAL	753

TERMINATIONS (PETITION DOCKET)

Petitions for grant dismissed	4		
Petitions for grant denied	661		
Petitions for grant granted	142		
Petitions for grant remanded	5	Signed	0
Petitions for grant withdrawn	13	Per curiam	0
Other	2	Mem/order	827
TOTAL	827	TOTAL	827

PENDING (PETITION DOCKET)

Awaiting briefs	73
Awaiting Central Legal Staff review	20
Awaiting final action	59
TOTAL	152

FILINGS (MISCELLANEOUS DOCKET)

Remanded from Supreme Court	0
Writs of error coram nobis sought	1
Writs of habeas corpus sought	0
Other extraordinary relief sought	9
Writ appeals sought	13
TOTAL	23

TERMINATIONS (MISCELLANEOUS DOCKET)

Petitions withdrawn	0		
Petitions remanded	1		
Petitions granted	0		
Petitions denied	22	Signed	0
Petitions dismissed	0	Per curiam.	0
Other	0	Mem/order..	23
TOTAL	23	TOTAL	23

PENDING (MISCELLANEOUS DOCKET)

Awaiting briefs	1
Awaiting Writs Counsel review	1
Awaiting final action	1
TOTAL	3

RECONSIDERATIONS & REHEARINGS

CATEGORY	BEGIN PENDING	FILINGS	END PENDING	DISPOSITIONS Granted	Denied	Total
Master Docket	3	20	2	0	21	21
Petition Docket	2	9	2	0	9	9
Misc. Docket	0	0	0	0	0	0
TOTAL	5	29	4	0	30	30

MOTIONS ACTIVITY

CATEGORY	BEGIN PENDING	FILINGS	END PENDING	DISPOSITIONS Granted	Denied	Other	Total
All motions	12	537	12	460	77	0	537