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An Analysis of Navy JAG Corps Future Manpower Requirements, Part 1: RLSOs and NLSOs

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Executive summary

Goals of this study

The JAG Corps has been transforming its operations and strategies as part of its long-term strategic plan, JAG Corps 2020 [1]. In addition, it has been under pressure in recent years to expand its commitments to operational and staff duties for contingencies, such as those in Iraq, Afghanistan, the Horn of Africa, and Guantanamo Bay. At the time of this report, 144 JAG Corps personnel—officers, enlisted, active, and reservists—were serving in duty stations around the world. These billets, usually resourced by means of Individual Augmentees (IAs), represent a large and difficult-to-predict drain on the Navy legal community's ability to estimate its personnel requirements.

The Judge Advocate General of the Navy (the JAG) would like to determine if the JAG Corps—including officers, enlisted, civilians, and reservists—has enough personnel, and the right kind of personnel, to fulfill its many essential missions, both now and in the future. He asked CNA to perform several tasks to assist in making these determinations, and to plan for the future transformation of the JAG Corps. The JAG Corps Functional Analysis Study was initiated to address the following two tasks assigned to CNA:

- Task 1: document the work performed by JAG Corps personnel—officers, enlisted, civilians, and reservists.
- Task 2: incorporate the data on work output and calculate the JAG Corps' future personnel requirements.

This part I report documents the results of tasks 1 and 2 for the Region Legal Service Offices (RLSOs) and Naval Legal Service Offices (NLSOs). We will report the results for other locations and reservists, in part II.

High-level interviews

An important first step in determining present and future workload (task 1) and personnel requirements (task 2) is to obtain the perspective of the clients: What work are they requesting? Are they satisfied with the services they are receiving? How do they view the future? We interviewed high-level decision-makers in the Navy to determine what legal issues are most important to Navy leadership, where there are legal areas of growing concern or interest, and what they see as important arguments for growth or decrease in the size of the Navy's legal force.

Methodology

To determine the JAG Corps' requirements, we designed, with OJAG, an online survey that asked JAG Corps active duty officers, enlisted, and civilians to complete a 2-week workload diary of how they spent their time in different work functions. They also reported the seasonality of their work. This dataset allowed us to describe each organization's work environment. In addition, we asked personnel about the primary functions they served and their work drivers.

Analysis methodology

Stress on the current workforce as indicated by hours worked

The number of hours worked is the unit we use in this study to identify workload. One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. Previous research shows that extended lengthy workweeks can lead to a stressed workforce. On one hand, long work hours are indirectly related to various health and personal relationship problems. On the other hand, long workweeks are more directly related to the ability to get the job done and are a sign that the workload is greater than the capacity of the current workforce [2].

For the purpose of this study, we define stress as a situation in which there is more work than can be currently managed by the workforce without the use of additional or overtime hours. In making our calculations, we applied a 40-hour standard workweek for civilians and a 50-hour standard workweek for military personnel (officer and enlisted).

Determining future manpower requirements

With the help of OJAG, we developed several categories of work outputs that were incorporated into the survey. JAG personnel were asked to define what task they were doing and what output category (or product/service area) the task supported. For example, a JAG employee might have indicated in his workload diary that he spent 1 hour doing "Evidence administration" (a task) in support of "Military Justice–Courts-Martial" (a product or service area).

To define future requirements, we need to determine what drives the workload in a particular product or service area and forecast the future workload in terms of hours. In some cases, OJAG provided us with historical data that we used to develop "rules" for forecasting future workload. In other cases, few data or no data were available, and we were forced to create rules based on a consensus developed from meetings with senior leaders at OJAG. In some cases, where historical data were available, but were suggestive of varying trends, we developed a high scenario and a low scenario.

Results

Region Legal Service Offices (RLSOs)

Table 1 summarizes the personnel requirement results for RLSO officers. It shows the nine RLSOs, sorted by the average hours worked per week. In general, RLSOs with higher average work hours had higher requirements. As the table shows, there is a large difference between the personnel requirements of the RLSOs, depending on whether one assumes that the JAG Corps military justice workload will return to the levels before 2003 (high pre-2003 scenario) or will continue at the levels seen in recent years (low post-2003 scenario).

If one assumes that the levels of military justice will return to pre-2003 levels, the RLSOs will require an increase of 43 JAG Corps personnel (a 26.9-percent increase). If one assumes that the military justice workload will remain at the post-2003 levels, the RLSOs will require very similar personnel to what they have today—for a total increase of 1 officer (an increase of 0.6 percent). Only one of the nine RLSOs required a decrease in personnel in *both* scenarios—RLSO Northwest, which would lose 1 officer (10 percent) in the high scenario and 3 officers (30 percent) in the low scenario.

Table 1. RLSO officer requirements by location (using 50-hour standard workweek)

				High (pre-2003) scenario			Low (post-2003) scenario		
RLSO	Officer average hours / week	Officer adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	59.2	59.2	6	10	4	66.7%	6	0	0.0%
Southwest	51.0	51.0	27	37	10	37.0%	28	1	3.7%
Midwest	50.2	50.2	9	13	4	44.4%	10	1	11.1%
EURSWA	47.3	47.3	25	29	4	16.0%	26	1	4.0%
Hawaii	46.9	57.3	9	11	2	22.2%	9	0	0.0%
Japan	45.9	55.6	16	19	3	18.8%	17	1	6.3%
Midlant	45.1	45.1	27	34	7	25.9%	26	-1	-3.7%
Southeast	42.6	42.6	31	41	10	35.5%	32	1	3.2%
Northwest	39.5	43.9	10	9	-1	-10.0%	7	-3	-30.0%
TOTAL	**47.6**	**50.3**	**160**	**203**	**43**	**26.9%**	**161**	**1**	**0.6%**

We should keep in mind several caveats about these personnel requirements as they have been computed. These requirements are minimum requirements—the JAG Corps could choose to provide a larger number of personnel at these locations for a number of legitimate reasons. One legitimate reason would be if a RLSO had a large number of small locations that required at least one person on site. Another caveat is that the RLSO portion of the analysis in Part 1 does not include data for services provided at on-site installations. To ensure that RLSO requirements are accurate, Part 2 results for on-site installations will need to be added.

Naval Legal Service Offices (NLSOs)

Table 2 shows results for the NLSOs. It shows that in the low (post-2003) scenario, there would be a need for 4 additional officers for

the NLSOs, an increase of 2.4%. In the high (pre-2003) scenario, there would be an increase of 49 officers (29.0%).

Table 2. NLSO officer requirements by location (using 50-hour standard workweek)

	Officer characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
NLSO	Officer average hours/ week	Officer adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change from current	Low reqt	Difference low reqt	% change from current
North Central	54.3	54.3	27	35	8	29.6%	29	2	7.4%
Southwest	53.4	53.4	35	47	12	34.3%	36	1	2.9%
Central	53.0	53.0	19	29	10	52.6%	21	2	10.5%
EURSWA	49.3	49.3	5	7	2	60.0%	5	0	0.0%
Midlant	50.4	50.4	28	36	8	28.6%	28	0	0.0%
Southeast	47.0	47.0	20	22	2	10.0%	17	-3	-15.0%
Pacific	46.3	46.3	20	25	5	25.0%	22	2	10.0%
Northwest	45.7	45.7	15	17	2	13.3%	15	0	0.0%
TOTAL	50.7	50.7	169	218	49	29.0%	173	4	2.4%

Overall conclusions for RLSOs and NLSOs

In conclusion, we have documented the work performed at the Navy's RLSOs, which perform services for the government—prosecution of criminals, advice to commanders, and assorted legal services that contribute to the good order and discipline of the Navy. In looking at the future personnel requirements for RLSOs, we found that, if we assume that military justice workload will return to pre-2003 levels, there will need to be increases in officers, enlisted, and civilian personnel. If, on the other hand, one believes that military justice work will continue at post-2003 levels, there will need to be decreases in the number of enlisted and civilian personnel. On the other hand, there would be virtually no change in the number of officers (an increase of one officer, 0.6%).

Our analysis of the NLSOs showed that their major product area is legal assistance, followed by major contributions in defense and other legal services primarily aimed at individual Sailors. If one assumes that military justice workload will remain at post-2003 levels, there will need to be modest reductions in the size of the NLSOs (with the exception of officers, who increase slightly). If, however, one assumes that military justice work will return to pre-2003 levels, then there will need to be an increase in the number of NLSO offi-

cers, no change in the number of civilians, and a small (4 personnel, 7.0%) reduction in the number of enlisted.

Chapter 1. Introduction

Goals of this study

> As always, it is our Navy's unique responsibility and special obligation to the Nation to be ever ready to deliver naval, aviation, and ground forces when and where needed. However, as our national strategy makes clear, military force alone will not prevail in future conflicts. Global security ultimately depends on the advance of freedom and democracy, both of which are grounded in the rule of law. As the United States continues to promote the rule of law throughout the world, our armed forces must embody that fundamental principle. We must win our battles, accomplish our mission, and do so within the law. Anything less risks forfeiting essential national and international support, undercutting the very values for which we stand and fight.
>
> —*JAG Corps 2020: Navy JAG Corps Strategic Plan*

The Judge Advocate General (JAG) Corps has a unique and important role in the Navy's mission. It makes a central contribution to ensuring that the country's naval operations correspond to the rule of law. Its officers are essential members of the operational, tactical, and strategic planning commands across the globe. Furthermore, the JAG Corps is responsible for tending to the legal needs of Sailors and their families, providing accountability within the Navy, and ensuring that the Navy itself is legally ready to meet its many challenges in all kinds of situations and environments—from conventional and unconventional warfare to the delivery to humanitarian aid and disaster relief, in the United States and abroad [1].

The JAG Corps has been transforming its operations and strategies as part of its long-term strategic plan, JAG Corps 2020. In addition, it has been under pressure in recent years to expand its commitments to operational and staff duties for contingencies, such as

those in Iraq, Afghanistan, the Horn of Africa, and Guantanamo Bay. At the time of this report, 144 JAG Corps personnel—officers and enlisted, active and reservists—were serving in duty stations around the world. These billets, usually resourced by means of Individual Augmentees (IAs), represent a large and difficult-to-predict drain on the Navy legal community's ability to estimate its personnel requirements.

The Judge Advocate General of the Navy (the JAG) would like to determine if the JAG Corps—including officers, enlisted, civilians, and reservists—has enough personnel, and the right kind of personnel, to fulfill its many essential missions, both now and in the future. He asked CNA to perform several tasks to assist in making these determinations, and to plan for the future transformation of the JAG Corps. The JAG Corps Functional Analysis Study was initiated to address these tasks. Task 1 asks CNA to document all work performed by JAG Corps personnel—officers, enlisted, civilians, and reservists. Task 2 requests CNA to incorporate the data on work output and to calculate the JAG Corps' future personnel requirements. This report documents the results of tasks 1 and 2.[1]

This chapter provides background on (a) the overall structure of the JAG Corps and its missions and (b) the pressure that IAs put on the JAG Corps mission. It also describes the organization of this report.

Structure of the JAG Corps and its missions

The JAG Corps, including its legalmen, civilians, and reservists, has unique responsibilities among the communities that support the Navy. JAG Corps officers and legalmen are the only uniformed legal personnel in the Navy, which gives them unique access in serving the Navy's core missions. Based on our conversations with numerous high-ranking Navy officials, including high-level admirals, the JAG Corps is highly respected and valued for its ability to serve the

[1] A final task, to be performed in another project, will develop mission-force-level tradeoffs for the Navy's warfare enterprises—Air, Surface, Network, Submarine, and Expeditionary Warfare.

legal needs of the Navy, especially when it is important to have a uniformed presence, a military perspective, and the ability to understand the operational needs and culture of the Navy.

To fulfill the needs of the Navy, the JAG Corps has a wide variety of legal capabilities. The four column headings in Table 1-1 show the major categories of legal capabilities: Operational Legal Readiness, Sailor Legal Readiness, Accountability, and Navy Legal Readiness. Each broad category has substantial variety and complexity.

Table 1-1. Examples of major missions of the JAG Corps and its personnel

Operational Legal Readiness		Sailor Legal Readiness	Accountability	Navy Legal Readiness
International Agreements	Administrative Law	Legal Assistance	Military Justice	Investigations
Law of War	Military Personnel Law	Immigration	Non-Judicial Punishment	Claims
Law of the Sea	Ethics	Wills and Living Wills	Courts-Martial	Admiralty
Joint Matters	Professional Responsibilities	Powers of Attorney	Judiciary	General Litigation
Arms Control and Intelligence Oversight	Directives Review	Notary	National Security Cases	Tort Litigation
Environmental Law–Operational	Legislative Review	Tax Assistance	Administrative Separations	

To fulfill these responsibilities, the JAG Corps is structured in the following manner:

- Region Legal Service Offices (RLSOs), whose major responsibilities include developing charges and prosecuting military justice cases, and providing command services for Navy commands, such as advice concerning ethics, non-judicial punishment (NJP), and environmental law

- Naval Legal Service Offices (NLSOs), whose major responsibilities include defending Navy personnel charged in military justice cases, legal assistance to Navy personnel and their families, and providing tax assistance

- Naval Justice School (NJS), whose major responsibilities include training newly recruited JAG officers and Navy legalmen, and providing legal courses for non-legal (line) Navy officers who will fulfill legal duties as a collateral duty

- Office of the Judge Advocate General (OJAG) Headquarters, whose major responsibilities encompass providing legal advice and support to SECNAV, CNO, and headquarters staffs

- Civil Law Support Activity (OJAG Code 01), whose missions include providing legal advice and support regarding International Law, Admiralty and Maritime Law, Environmental Law, Administrative Law, Civil Litigation, Claims, Legal Assistance, National Security, and Intelligence Law

- Navy Marine Appellate Review Activity (NAMARA), which provides legal advice and support in criminal law, appellate defense, appellate government, and administration

- Navy–Marine Corps Court of Criminal Appeals, which processes over 2,000 criminal appeals per year and includes the judges and supporting personnel to hear and decide on the merits of all appeals

- Navy–Marine Trial Judiciary, which has a worldwide organization and several court circuits, most of which have one or two judges. The Navy–Marine Trial Judiciary consists of 35 active judges, and it processes 2,600 courts-martial per year (both Navy and Marine Corps).

In addition to these, JAG Corps officers serve in positions as Staff Judge Advocates (SJAs) where they provide legal advice and serve in planning, operational, and policy roles for major Navy commands

around the world, including Fleet Forces Command, the combatant commanders at Atlantic and Pacific Fleets, type commanders (TYCOMs), Joint Chiefs of Staff, and joint commands, such as SOUTHCOM, CENTCOM, and NORTHCOM.

In addition, Special Assistant United States Attorney (SAUSA) officers provide prosecution of cases that fall under federal jurisdiction and that are of particular interest to the Navy for providing good order and discipline, such as prosecuting shoplifting at the Navy exchange and traffic violations on Navy property. These cases are often of low priority for U.S. attorneys, so the Navy provides a SAUSA to make sure that the Navy's interests are represented.

The RLSOs, NLSOs, and NJS fall under Naval Legal Service Command (NLSC), which is headquartered in the DC area in OJAG. The RLSOs include 9 commands worldwide, and a total of 60 offices or detachments. In contrast, there are 8 NLSO commands and 37 NLSO offices or detachments worldwide.

The exact numbers of JAG Corps officers, enlisted, and civilians on board fluctuate throughout the year, and personnel are often moved or replaced. Nevertheless, the following shows the rough number of personnel on board at each of the major structures of the JAG Corps, as of June 2007 (from the Naval Legal Service Command Dashboard, and Navy billet file):

- RLSOs have approximately 156 active duty JAG Corps officers, 6 limited duty officers (LDOs), 133 active duty enlisted, and 140 civilians on board.

- NLSOs have about 167 active duty JAG Corps officers, 3 LDOs, 57 active duty enlisted, and 91 civilians on board.

- Naval Justice School, including detachments in Norfolk and San Diego, has approximately 24 JAG Corps officers, 3 LDOs, 9 enlisted, and 10 civilians.

- OJAG Headquarters activities, including OJAG, Navy Civil Law Support Activity, Navy–Marine Appellate Review Activity, Navy–Marine Trial Judiciary, and Navy–Marine Corps Court of Criminal Appeals, have about 118 officers and 6 enlisted assigned to them.

- SJAs include approximately 200 officers and 215 enlisted, across the globe, working on aircraft carriers, in TYCOM staffs, as central advisers to combatant commanders, joint commands, and regional commands, and in critical policy-making, law enforcement, and legislative positions.

In our manpower analyses, we assumed that individual augmentees (IAs) will continue to be needed at present strength in Iraq, Afgahnistan, and other parts of the world for the foreseeable future, which we define to be at least the next 3 – 5 years. Therefore, our manpower requirements projections mean that for the period 2008 – 2010, we are assuming that IAs will not be available to perform work at the RLSOs and NLSOs during that time period. If we state that a particular location needs more personnel, we mean that they need more personnel under assumption that IAs will not be coming home to perform work at RLSOs and NLSOs.

Organization of this report

This report describes the processes and data that we used to determine future personnel requirements for the JAG Corps' active duty officers, enlisted, and civilian personnel.

The next chapter, ***High-level interviews***, describes the process and results of our interviews with high-level Navy decision-makers (primarily admirals) about the roles, responsibilities, and contributions of the Navy JAG Corps to the Navy. These interviews provided important context concerning what legal issues are most important to the Navy, where there are legal areas of growing concern or interest, and what the Navy sees as important arguments for increasing, or decreasing, the size and composition of the Navy's legal force. These interviews have helped by giving us areas of consensus that can guide decisions about quantitative analyses, and by providing an awareness of areas where opinions differ. In summary, the interviews provided insights that guided our quantitative analyses, particularly our assumptions underlying our estimates of future personnel requirements.

The third chapter, ***Data and methodology***, summarizes the processes that we used to accomplish the following:

- Design a work diary and survey for all JAG Corps personnel, including estimates of time spent working on various legal tasks and product areas
- Execute the work diary survey, collecting self-reported demographic data, work diary data, and contextual information, such as the average workload during the year
- Analyze the work diary survey, including indicators of stress on the workforce, evidence of cross-tasking, and direct and indirect outputs of JAG Corps personnel
- Determine future manpower requirements, such as the rules, procedures, and assumptions behind our future workload and personnel requirement estimates.

Chapter 4, ***Region Legal Service Offices***, documents the results of our data analyses and estimates of future manpower for each of the JAG Corps' nine RLSO commands: RLSO Mid-Atlantic, RLSO Naval District Washington, RLSO Midwest, RLSO Southwest, RLSO Northwest, RLSO Southeast, RLSO Hawaii, RLSO Japan, and RLSO EURSWA. This chapter provides evidence concerning stress on the workforce, cross-tasking, and the product areas supported by the RLSOs, as well as our projections for future workload and how many personnel will be needed in the future.

The fifth chapter of this report, ***Naval Legal Service Offices***, describes our findings concerning the amount and distribution of workload in each of the JAG Corps' eight NLSO commands: NLSO Midlant, NSLO Southwest, NLSO North Central, NLSO Central, NLSO Southeast, NLSO Northwest, NLSO Pacific, and NLSO EURSWA. This chapter also provides our projections of NLSOs' future workload and estimates of personnel requirements.

The reader should note that the sections for each of the nine RLSO commands and eight NLSO commands are "stand alone"—meaning they can be read without referring to the rest of the document. We wrote stand-alone sections for ease of review by the relevant senior leaders and commanding officers. As a result, the sections will

sometimes repeat information that was already provided in a previous section of the document.

Part 2 of this report will be delivered as a separate publication. In part 2, chapter 6, ***Staff Judge Advocates,*** we will present the outcome of our analyses of the JAG Corps' counsel and legalmen who serve in positions on board ships, in operational commands, and in critical policy and legislative functions across the globe. This chapter will present our findings on current workload, estimates of future workload, and projections of future personnel requirements.

Chapter 7, ***Training Judiciary, and Headquarters,*** will include our analyses of Naval Justice School (NJS), Headquarters, Office of the Judge Advocate General, Judiciary, and Claims. The portion on Headquarters will include Civil Law Support Activity, Navy–Marine Corps Appellate Review, Navy–Marine Corps Trial Judiciary, and Navy–Marine Corps Court of Criminal Appeals.

The final chapter of this report, ***Summary and conclusions,*** ties together the major findings across the report and recommends how these personnel requirements can be used to create level-of-service, mission-performance tradeoffs for the Navy's major warfare enterprises.

Appendixes A and B present the results of sensitivity analyses for enlisted personnel. The main text shows the results of using a 50-hour workweek assumption. These appendixes, in contrast, show the results of using 50-hour, 45-hour, and 40-hour workweek assumptions.

Appendix C provides examples of what "other legal" and "other non-legal" products and services could entail.

Chapter 2. High-level interviews

Interview goals and questions

An important first step in determining future workload and personnel requirements is to obtain the perspective of the clients: Are they satisfied with the services they are receiving? How do they view the future? We interviewed high-level decision-makers in the Navy to determine what legal issues are most important to Navy leadership, where there are legal areas of growing concern or interest, and what they see as important arguments for growth or decrease in the size of the Navy's legal force. These interviews have helped guide the quantitative analysis, not only giving us areas of consensus among the admirals but also indicating areas of focus for our analysis so that we can see how the quantitative data support, or do not support, some of the statements of the high-level decision-makers in the Navy.

Structure of the high-level interviews

Interview protocol

The high-level interviews were intended to provide important background and guidance to the quantitative analyses of the workload diary data. Here are the questions that we asked:

Current Level of Legal Service. Are you satisfied with the current level of legal services provided?

Legal Service Baseline. Is there a legal service baseline you desire that is a minimum level of service and capability available at all times, regardless of workload, etc.? For example, do you believe that, regardless of size of Navy, amount of work, etc., certain commands should have a minimum number of judge advocates with support

personnel? Do you believe that included in overall legal end-strength there should be a minimum number of judge advocates to be able to respond to emergent taskings and provide basic services? What is your sense of creating more capability for JAGs? Is it needed? For example, should we acquire fiscal law expertise even though that is presently within the province of the General Counsel? Are there other areas of the law where judge advocates should acquire expertise?

Legal Assistance is not statutorily mandated for judge advocates. This is a mission that judge advocates and support personnel could shed. What are your impressions about providing legal assistance for active duty and their family members only as opposed to the current practice of providing legal assistance to active duty personnel, their family members, reservists drilling or on ADT/extended active duty, and retirees? What are appropriate time lines for nondeployers/nonemergency situations in the provision of legal assistance (e.g., 2 weeks to schedule and execute a will)?

International/Operational Law. Do you wish to see more JAGs under way on ships beyond present numbers, overseas in operational and humanitarian settings? Would this increase in personnel assets be an acceptable increase in cost to you?

Environmental Law. Do you wish to see more JAGs as environmental lawyers? Is that an acceptable increase in cost to you?

Force Structure. Would you like to see greater civilianization of legal assets? Are there legal functional areas we should set aside for civilians and civilian paralegals/support personnel? Would you like to see more JAG Legal Community (JLC) personnel assets in order to complete taskings in less time? Is the additional cost to perform legal services in a shorter period of time worthwhile? Which legal services functions would you identify as amenable to increased resourcing for more expeditious service? Do you have thoughts on reserve support from the JAG Corps and how they should be used in conjunction with active duty personnel?

Surge. Currently, JAG is handling surge (IAs) out of RLSOs and NLSOs with minimal participation from personnel assets assigned to fleet commands. If JAG were to create a separate surge unit or units,

where should they reside? With Commander, Fleet Forces Command (CFFC) and Commander-in-Chief, U.S. Pacific Fleet (CPF)? In the RLSOs and NLSOs?

Organization. Is there a legal organizational structure that would allow better service to the fleet and Navy's mission?

Levels of Service. Task 3 of our assessment involves creating levels of service much like the Commander Naval Installation Command (CNIC) model, which has been in existence for some time. We will use the product from this task in developing performance agreements with CNO, CFFC, or others as appropriate. Our plan is to present Navy leadership a *spectrum of levels of legal service*—from a high standard with associated costs and risk at one end to an absolute minimum standard with associated costs and risks at the other. Do you have an opinion as to what these levels of service should contain? Does this make sense to you? What should be the primary driver behind the decision to select a certain level of service? Capability? Cost? Risk? A combination of the three? How should they be weighed—differently for afloat or operational units than for units ashore in a support role?

Interview respondents

For the interviews, we wanted to get the highest-level perspectives of Navy decision-makers. Table 2-1 shows the list of people we interviewed. The list shows good breadth, including leaders of commands within Naval Air Warfare, Naval Surface Warfare, Undersea Warfare, Network Warfare, and Expeditionary Warfare enterprises. The respondents reflected all stages of a flag-level career—from one-star to four-star.

Table 2-1 List of high-level interviewees and their commands

Name	Command
ADM Stavridis	U.S. Southern Command (scheduled interview)
ADM Olson	Special Operations Command
ADM Nathman	Fleet Forces Command (previous)
ADM Ulrich	Naval Forces Europe, Allied Joint Forces Command
ADM Roughead	Fleet Forces Command (current)
VADM Conway	Commander, Navy Installations Command
VADM Morgan	Deputy CNO Operations, Plans, Strategy (N3/N5)
VADM Fitzgerald	Director Navy Staff, OPNAV
VADM Cosgriff	U.S. Naval Forces, CENTCOM
VADM Harvey	Deputy CNO Manpower, Personnel, Training, Education
VADM Donnelly	Navy Submarine Forces
VADM McArthur	NETWARCOM (previous)
VADM Fowler	Superintendent, U.S. Naval Academy
RADM Ruehe	Commander, Navy Region MIDLANT
RADM Bullard	Expeditionary Warfare Command
RADM Starling	Commander, AIRLANT
RADM Wachendorf	Joint Forces Command
RADM Carpenter	Deputy Commander, Second Fleet
RADM O'Hanlon	Commander, Strike Force Training Atlantic
RADM Shuford	President, Naval War College (w/ Dr. James Giblin)
RADM Deets	NETWARCOM (current)
RADM Blake	Commander, Carrier Strike Group 11
RDML Cothron	Director, Naval Intelligence, N2
RDML Swift	Deputy Commander, U.S. Naval Forces, CENTCOM

Findings from the high-level interviews

Although the high-level Navy decision-makers had divergent opinions on many topics, a number of important themes emerged from the high-level interviews that we conducted.

Satisfaction with JAG Corps services

The central theme of the interviews was that the Navy leadership respects the JAG Legal Community as an integral part of the Navy. The JLC provides expertise, perspective, and analytical skill for Navy leadership at all levels. Operational Navy leadership desires additional Judge Advocates for international, operational, environmental, and information operations law missions, although not all of them were willing to pay for additional Judge Advocates for their own commands. Lastly, flag officers stressed the importance of an adequately resourced JLC to support the Navy's mission. JLC versatility and flexibility is recognized as a tremendous asset to Navy leadership.

Our first question concerned whether the flag officer was satisfied with his or her current level of service. For the most part, flag officers felt satisfied with their current level of service, especially when they spoke about their own Staff Judge Advocate. Flag officers often reflected on their use of Navy legal services throughout their careers, and noticed how the issues changed as they became more senior. For example, one admiral said that when he was new to the Navy, he appreciated the fact that Naval Legal Service Offices provided legal assistance to Sailors, so that they had their wills and powers of attorney finished before they went on deployment. When he became a flag officer at a fleet command, the JAG Corps officer's help with environmental and ethical issues became more important to him. Now that he is at a major joint command, the JAG Corps' expertise in joint matters, international agreements, and law of the sea have become more important.

The overwhelming majority of Navy leaders were pleased with their level of service from the JAG Corps, but there were exceptions that should be noted. One highly placed admiral said that he was not happy with the current level of legal service to base commanding officers, now that the JAG Corps had "matrixed out" its services. This was especially true because each base facility in different states has its own rules and regulations, so it is difficult when there is not a JAG officer on site. Our interview with a base commanding officer overseas confirms this opinion; sometimes conflicts with a community overseas can have international repercussions, so it is essential

to have a JAG Corps officer on site who understands the country's history and laws.

The theme from these officers who were unhappy with their level of service was that they wanted a JAG Corps officer on site, not at some remote location. One other Navy admiral was unhappy with his current level of legal service because his command had split into two parts. One office moved to a location in a different state, while the main office remained where it was. He felt that the office in another state was not served adequately by the JAG Corps because it required a more senior JAG Corps officer at that site.

Legal service baseline

We asked whether there was a baseline level of legal services that the Navy needed. The flag officers all agreed that there was a minimum level of service required from the JAG Corps, and that there was a need for uniformed officers, not civilians, in the following areas:

- Operational Law, such as rules of engagement, freedom of navigation, and rules for the use of deadly force
- Operational Environmental Law, including oil spills, ocean dumping, and marine mammal issues
- Military Justice—prosecuting criminal cases and defending Navy Sailors.

There was consensus that one of the most important services provided by the Navy legal community concerned the provision of wills and powers of attorney before Sailors go on deployment. However, admirals differed on whether it was necessary for someone in uniform to provide wills and powers of attorney. Some felt that a civilian could perform that role just as well.

Some admirals were more interested than others in keeping a close watch on military justice. One admiral said that he needed at least two judge advocates for himself, at a type command (TYCOM), and at least two judge advocates on every Navy aircraft carrier. Other admirals felt that they did not want to be bothered by keeping a close watch on military justice issues. One admiral, who was commander of a strike group, said that he wanted to get bad characters

off his staff and off the ship as soon as possible. He felt that keeping Sailors in the brig on board a ship, awaiting a trial, caused morale problems.

Legal assistance

We asked whether legal assistance could be civilianized. All of the admirals felt that some level of legal assistance for Sailors was important—especially the provision of wills and powers of attorney before deployment. However, there was considerable disagreement concerning whether it was important for legal assistance to be provided by a uniformed person. Here are some of the opinions that we heard:

- "Legal assistance cannot be completely civilianized because we need that skill set in our judge advocates."
- "Routine services like powers of attorneys and wills do not necessarily need to be provided by a judge advocate, but they should still be provided by a civilian or contractor."
- "The JAG Corps should be flexible in providing wills and powers of attorney services on short notice for deploying Sailors."
- "The Navy puts Sailors into unique situations; Sailors can be killed and they must move often. Therefore, the Navy should provide legal assistance. But I am not sure if this should be provided by military or civilian lawyers."
- "Legal assistance should be civilianized and the billets transferred to expeditionary law billets."
- "The JAG Corps should be cautious about cutting any legal assistance. Service like providing wills before deployment are not optional and should be done at the ship, not out in the community."

The specific opinions about legal assistance differ, so it appears that legal assistance is an area that can be provided at higher or lower levels of service. It appears that it is important that legal assistance be provided near the ship, or, in the case of wills and powers of attorney, at the ship.

International/operational law

We asked each admiral whether there was a need for more billets in the areas of international and operational law. The consensus was that international/operational law was a growing area, although the admirals did not pinpoint the number of new billets that needed to be added. The admirals told us the following things about international and operational law:

- "It is not that there is more international/operational law now, so much as it is that international/operational law is more *complicated* than it used to be, with multi-national coalitions and therefore a larger number of nations' laws to be considered."
- "International and operational law experience is critical for judge advocates. We need a uniformed attorney for military issues, such as rules of engagement."
- "Intelligence relies heavily on judge advocates for advice."
- "While fiscal law is not necessary for shipboard judge advocates, those working at the Combatant Commander level should have fiscal law training."

Part of the difficulty in coming to a quantitative agreement with the admirals' statements was that the admirals felt that they got whatever support they needed in international and operational law. They were unsure how hard their JAG Corps officers were working to provide advice in international/operational law, so it was not clear to them whether there was a need for more JAG Corps officers with international/operational expertise. One admiral even jokingly said, "I do not need more JAG officers with international and operational law background. I can always just work the JAG officer that I have harder."

Environmental law

We asked Navy leaders whether they wanted more JAG Corps officers to have environmental law expertise. The admirals answered that they thought this was an area of growing importance to the Navy. Furthermore, they felt that there was a need for uniformed

military officers to perform operational environmental law. Here are some of the opinions that the admirals expressed:

- "Environmental law is necessary and important for judge advocates. For example, I need an officer who will find out what French law is regarding garbage and wastewater dumping. We need judge advocates who understand where an area is exposed to a legal risk. I have consulted with judge advocates on the environmental law associated with bombing ranges, too."
- "A military lawyer with environmental training is more valuable to me than an Office of General Counsel (OGC) attorney."
- This is a more important area of law now, and judge advocates are better equipped to handle environmental law issues while understanding operational requirements. Civilian environmental lawyers do not appreciate operational needs."
- "We need to have environmental law expertise in the JAG Corps."
- "Do not leave environmental law to the OGC. There are times when a person in uniform is essential for credibility, and also for understanding the culture and mission of the Navy."

In summary, the admirals were strong proponents of having uniformed environmental law attorneys. They thought that this was an area of growing concern for the Navy and unanimously agreed that the JAG Corps needs to maintain a strong presence in environmental law. However, they were not able to specify whether, or how many, more environmental law attorneys were needed.

Force structure

We asked the admirals if they would you like to see greater civilianization of legal assets, and if there are legal functional areas that should be set aside for civilians and civilian paralegals/support personnel. We also asked whether they would like to see more JAG legal community personnel assets in order to complete taskings in a shorter period of time.

The admirals had a wide range of opinions on these questions, although none said that they wanted to have more JAG Corps officers to complete particular taskings more quickly. One of the most interesting opinions concerned how reservists might be able to be used. Here are some of the opinions we heard:

- "Reservists come and go sporadically, so they must be given assignments that can be completed in a short amount of time. Wills and powers of attorney could be performed by them."
- "Maybe there could be more legalmen who are skilled instead of having more officers. I worry that judge advocates will be overrun by legal assistance; we need legalmen for legal assistance. It is important to sustain the structure of the JAG Corps. Maybe enlisted reserves should be at the NLSO."
- "Legal assistance could be contracted out."
- "We want support and prevention instead of reaction, and uniformed judge advocates give us that."
- "Military justice should be done by the military, but legal assistance can be performed by civilians. I prefer that lawyers work on the law, not on paperwork that a lawyer does not need to do."
- "Judge advocates must be expeditionary. We should civilianize any work that is not. Judge advocates are more valuable than other attorneys because of their deployability and military perspective."
- "The JAG Corps needs to look broadly and hire out anything that does not need a uniformed judge advocate to do it; the judge advocates should not be doing tasks that civilians can do."

In summary, the admirals felt that there was an opportunity to reduce active duty JAG Corps officers' role in legal assistance, and they offered such possibilities as using reservists, legalmen, or contractors to provide those services. They reiterated their contention that judge advocates are essential for providing expertise and advice to flag officers, "support and prevention instead of reaction," and that a judge advocate's most important strengths include deployability, proximity to the flag officer, and military perspective.

Surge capabilities

In our questions about surge capabilities, we told the admirals that currently JAG is handling surge (IAs) out of RLSOs and NLSOs with minimal participation from personnel assets assigned to fleet commands. We asked if it was a good idea of JAG Corps to create separate surge units and, if so, where those units should reside. The admirals agreed that the need for JAG Corps surge capability was going to last for many years, and that those needs required advance planning. They also thought that joint task forces were going to provide a growing demand for staff judge advocates. Here are some of the answers given by the admirals:

- "The JAG Corps will be in Iraq for the next 3 to 5 years. There are going to be hundreds of claims even after the ground troops leave."
- "IA requirements will be around for the long term, if not in Iraq, then somewhere else. IA surge units should reside at operational commands like PACFLT and CFFC."
- "I am not sure if there should be surge units, but what is important is what the judge advocate should be doing before the surge. For example, it might be harder to pull someone from trial services for an IA than someone doing duties that can be completed more quickly, like wills. We do not want to become sub-optimized."
- "Judge advocates will be among the very last military in Iraq. The number of billets and work there has no correlation to the number of combat troops in theater."
- I do not like IAs, but remember, there's been an explosion of JTFs and Headquarters. Every new JTF and Headquarters will want a judge advocate. This is where the surge is. I would not want to lose my judge advocate to an IA. If I am right-sized, then I don't want an IA loss."
- "A legal surge unit is a good idea. This pool of judge advocates should reside near the fleet concentration areas (San Diego, Norfolk, and Pearl Harbor). It does not matter where these judge advocates come from, whether from a RLSO or CFFC."

In summary, the admirals agreed on the need for surge capability, although they differed in where they thought those forces should be placed initially. It was an interesting comment about wanting the surge capability officers to be working on assignments that can be completed easily, so that the judge advocate can leave on short notice. This comment suggests that surge capability should not be with attorneys who are performing duties that require longer term commitments, such as defending a client who is being tried for a felony (such cases take time and attorney-client buildup of trust).

Organization

The admirals had difficulty answering the question, Is there a legal organizational structure that would allow better service to the fleet and to the Navy's mission? Although they think about their own needs for legal services, they expect those needs to be met; they are not responsible for determining how they get those services. Here are some of the answers that we received from that question:

- "The JAG Corps should have a pyramid. Let the legalmen do legal assistance and invest in judge advocates for prosecution and defense."
- "There needs to be an intranet inside the NLSOs; there should be client privileges and other ways to maintain confidentiality. This would provide more access to legal assistance for the fleet."
- "Relying on reach back while in CONUS is an effective use of resources. However, it is impractical OCONUS."
- "JAG Corps assets in the theater should be as lean as possible. The Fleet Legal Service Office (FLSO) model accomplishes that. There should be minimal manning with reach-back capability for IAs and subject matter experts."

In summary, the admirals believed that the JAG Corps needs to make accommodations in order to preserve its JAG Corps officers for high-priority missions OCONUS, and for prosecution and defense. They believed that the FLSO model and having a NLSO intranet might accomplish the twin goals of providing a high level of service at minimal cost.

Levels of service

We asked the admirals for their thoughts about how the JAG Corps could create levels of legal service, much like the CNIC model, which has been in existence for some time. Specifically, we wanted their perspective on how to present a *spectrum of levels of legal service*—from a high standard with associated costs and risk at one end to an absolute minimum standard with associated costs and risks at the other.

The admirals were in agreement about the major priorities with providing levels of service. The following three quotations illustrate the major themes that admirals expressed:

- "The minimum level of service must include operational law, rules of engagement, and Commander's Intent in the fleets."
- "All COs should have a judge advocate."
- "More risk can be taken at the low end for administrative stuff. Non-lawyers can do wills and POAs. But you cannot skimp on that high end for things like advice on Captain's Masts, international law, operational law, law of the sea, negotiating international agreements, and legal services at the SECDEF level."

In summary, the admirals agreed that operational issues and high-level staff issues were more important than legal assistance to individual Sailors.

Additional comments in the interviews

The admirals that we interviewed made comments that were not direct answers to questions that we asked but were opinions about additional issues that we should consider when deciding the correct size and composition of the JAG Corps. Here are a few of their comments:

- "Judge advocates are well educated and very valuable; they are tasked with time-consuming collateral duties that other staff could do. For example, the voting assistance officer duty could go to other junior officers, but it is usually given to the judge advocate."

- "Judge advocates provide valuable ethics services. They should sign off on all requests for travel, spouse travel and gifts. Perhaps a non-uniformed lawyer could perform this role."
- "The SJA at the Naval War College is being tasked with extra work that would be more appropriately performed by OGC, such as copyright law. The legal staff here is expanding because of increased importance of international law and law of war issues."
- We need to do more training in operational law, fiscal law, and security assistance law."
- "A Staff Judge Advocate for a major command must learn through a series of operational billets at lower levels of responsibility."

Conclusions from the interviews

The interviews with high-level Navy officers provided several important pieces of information that could not have been obtained any other way. The interviews were essential for providing background on the how and why of determining force requirements. They showed what types of policy options concerning the size of the JAG Corps would be acceptable to high-level Navy decision-makers, illustrated the criteria that should be used in deciding on the size of the JAG Corps, what sorts of services are negotiable in terms of levels of service, and what sorts of legal risks are acceptable to Navy decision-makers.

Although the interviews were highly successful in fulfilling these goals, they were not, in themselves, sufficient to provide JAG Corps personnel requirements or levels of service. The interviews did not provide answers to the question of how many JAG Corps officers, enlisted, and civilians were needed. For answers to those quantitative questions, quantitative answers needed to be provided. The next section of this report will describe the methodology and results of the quantitative portion of this study.

Chapter 3. Data and methodology

Overview

Our initial approach to determining the JAG Corps' future manpower requirements was to get an overall sense of the types of work being performed at the various offices and commands. The JAG Corps' officers, enlisted, and civilians perform a wide variety of work, so this step required site visits, meetings with the JAG Corps working group, and interviews with JAG Corps employees and the admirals who are the high-level beneficiaries/clients of the Navy's legal assets. The JAG Corps presented us with a map of the types of legal services that it provides, and this map guided our efforts in assessing the work being performed and ensuring that we understood the breadth and complexity of the JAG Corps' many responsibilities supporting the Navy throughout the world. The map was a critical asset for all work that we performed on this project.

The map contained an extensive list of legal functions that JAG Corps officers, enlisted, and civilians perform. It included the following product areas (plus additional areas, not listed here):

- International and Operational Law
  - International Agreements
  - Law of War
  - Law of the Sea
  - Joint Matters
  - Miscellaneous—Arms Control, Intelligence Oversight, etc.
- Environmental Law
  - Operational Environmental Law
  - Installation Environmental Law

- Administrative Law
  - Military Personnel Law
  - Ethics
  - Miscellaneous—Professional Responsibilities, Directive Review, etc.
- Legal Assistance
  - Immigration
  - Wills and Living Wills
  - Powers of Attorney
  - Notary
  - Tax Assistance
- Military Justice
  - Investigations
  - NJP
  - Courts-Martial
  - Judiciary
  - National Security Cases
  - Administrative Separations
- Claims, Investigations, and Tort Litigation
  - Claims
  - Admiralty
  - General Litigation
  - Tort Litigation.

Task 1 was to determine the output of all officers, enlisted, and civilians employed by the JAG Corps. In our quantitative analyses of the survey data, we wanted to know the following:

- How many officers, enlisted, and civilian employees work at each location, and how many are legal personnel versus support personnel?
- How many hours are personnel working and which functional area seems to be the most stressed?
- Does each location have the right skill mix or are there personnel working outside their "lanes" (for example, legal personnel doing administrative work, or executive personnel doing legal work)?
- What is driving the work—is it specialized legal work, or support to the Navy's general missions?
- What changes have been happening in the last few years regarding the JAG Corps' major product areas, and what changes can we expect to see regarding the Navy's future uses of JAG Corps personnel?

After investigating these overarching considerations, we determined manpower requirements by looking at all the data we collected and adjusting the current workforce to account for such things as (a) growth in expected mission requirements, (b) growth in the number of Joint Task Forces, and (c) growth in areas that are uniquely associated with the JAG Corps' major mission areas and that no other body of legal personnel can cover.

The rest of this chapter explains the steps and reasons for the survey development, as well as the data analysis.

Survey construction

To determine the JAG Corps' requirements, we collected data in three ways. First, we designed, with OJAG, a 2-week online survey that asked JAG Corps active duty officers, enlisted, and civilians to complete a 2-week workload diary of how they spent their time in different work functions. They also reported the seasonality of their work. This dataset allowed us to describe each organization's work environment. In addition, we asked personnel about the primary functions they served and their work drivers.

Second, we conducted interviews with over 25 flag-level Navy officers about their satisfaction with the JAG Corps legal services they used, whether there are areas of growing legal needs for the Navy, whether some legal areas could be civilianized or shed, and what the highest priority legal areas are for maintaining full-service capabilities in the Corps. These interviews were important because they illuminated what the future might be like for the JAG Corps and how the "client" viewed the importance of the JAG Corps activities.

Third, we visited a large number of OJAG legal offices (e.g., RLSOs and NLSOs) and locations where OJAG personnel worked for other Navy entities (e.g., PACFLT, AIRLANT, and 5th Fleet). These site visits allowed us to interview OJAG legal and support staff, to determine their perspectives on manpower requirements, and to resolve any underlying issues found in early design of the workload diary.

Functional areas

For the 2-week diary, we worked with OJAG to identify the proper functional areas for OJAG personnel. As Table 3-1 shows, we identified 27 major types of work performed by organizations served by JAG officers, enlisted, and civilians. For example, the "Headquarters Attorney" functional area includes those who are lawyers but spend most of their time performing headquarters functions, such as drafting policy, interpreting policy, and dealing with requests for information. Collecting data by functional area ensured a more detailed, comprehensive, and standardized description of work elements, without making the task lists unduly long.

Respondents to the work diary survey were able to choose the functional area category that was the most appropriate fit for the work they do in their current jobs. The directions stated, "In particular we would like you to carefully select from the functional area options. While you may be performing a great variety of work, we ask that you select a primary functional area that is most representative of the type of work you perform on an everyday basis." Before choosing a functional area, participants were allowed to review the detailed tasks that are performed in that functional area.

Table 3-1 Functional areas and corresponding personnel types

Functional area	Personnel type(s)
Administrative Officer-Manager	Officer, civilian, enlisted
Appellate Defense Counsel	Officer
Appellate Government Counsel	Officer
Appellate Judge	Officer
Civilian Paralegal	Civilian
Claims Attorney	Civilian
Claims Technician	Civilian, enlisted
Clerical-Administrative	Civilian
Court Reporter	Enlisted, civilian
Defense Counsel	Civilian, officer
Law/Legal Instructor or School Administrator	Officer, enlisted, civilian
Legalman (LN)	Enlisted
Limited Duty (LIMDU) Personnel	Enlisted, not LN
Executive	Officer, Enlisted
Executive Support	Officer, Enlisted
HQ Code/Other Attorney	Officer
IT Systems Support	Officer, civilian
Law Clerk Attorney	Officer
Legal Administrative Assistant	Civilian
Legal Assistance Attorney	Officer, civilian
Linguist/Translator	Civilian
Management/Plans/Manpower	Civilian, officer
Personnel/Pay/Travel/Human Resources	Civilian, officer
Resource Management/Contracts/Fiscal	Civilian, officer
Staff Judge Advocate (SJA) and Command Services	Officer
Trial Counsel--Government	Officer
Trial Judge	Officer

These standard functional areas allowed us to (1) determine the population of the organization's staff by functional area and (2) compare the work performed across the functional areas and relate it to support or direct-mission efforts.

Functional area profile development

For each functional area, we collected detailed data about the tasks and workload drivers required to perform in that area of work.

Tasks are activities that are done to produce a product or service; they typically have a beginning and an end, and they are observable. Workload drivers are the outputs, or legal specialty areas, that are generated from the tasks performed.

Task generation

The task lists allowed personnel to identify the work that most closely matched their duties. This was critical to estimating current workload because survey respondents were able to more accurately report their time when prompted with specific tasks. The tasks also provided the detail of the work and a standard set of criteria against which all respondents could measure their workload.

To generate the list of tasks done by personnel in each functional area, we collected task lists from Department of Labor descriptions of legal work for attorneys, paralegals, and administrative assistants. We also interviewed officers, enlisted, and civilian JAG Corps personnel regarding the tasks they perform in their respective functional areas, and we worked with OJAG to validate the task lists for each functional area. In some cases, the list of tasks was much too long to include in the survey, so we combined or eliminated tasks with a goal of having no more than 40 tasks in any functional area.

All of the task lists included "General" tasks, which could be performed by any JAG Corps worker, such as attending a meeting, standing watch, or attending a command function. These general tasks sometimes take up a considerable amount of time, even though they are not strictly legal functions per se.

This process resulted in a list of detailed tasks, which were loaded into CNA's online workforce assessment and survey tool, COMPASS. For example, the tasks for the functional area "Headquarters/Code Attorney" included the following (among others not listed here):

- Action officer (respond to taskers)
- Advise subordinate organizations
- Agreements and understanding (e.g., MOUs, MOAs)
- Attorney/lawyer duties: other

- Budget and fiscal planning and oversight
- Coordinate investigations
- Coordinate issues with the judiciary
- Defense/respondent attorney support & advice
- Develop policies, procedures, & guidance
- Education & training oversight
- General—Admin.
- General—Collateral duty
- General—Command event/supported activity
- General—Emergency/contingency planning, exercise, or event
- General—Errands
- General—Meeting attendance
- General—Management & leadership
- General—Other general & military duties.

Workload driver/output development

In addition to the tasks that we developed, we worked with OJAG to identify the legal outputs that come from the work done in each organization. Senior personnel from OJAG validated a final list of drivers/outputs. We used the same set of drivers to classify workload of all personnel at the organization, regardless of task for major functional area. The reason for this was that all of OJAG's major legal areas were included in the list of workload drivers and outputs.

Survey execution

To validate the JAG Corps manpower requirements, we had to identify the workload required to perform the mission. We took the approach of collecting multiple measures to increase data reliability and reduce systematic bias. We used the following three data collection strategies to capture JAG Corps workload:

1. A workload diary, which was a census of all personnel from each functional area during a 2-week period from May to June 2007.
2. A workforce assessment survey, which included workload seasonality trends, previous year's days spent working away from home, years of service in current position, and retirement intentions. This survey was embedded within the workload diary survey.
3. A survey of contributions by limited duty (LIMDU) personnel to the work that JAG Corps entities perform. This survey was performed at only 4 sites, and lasted only 2 days.

Workload diary

The workload diary was used to determine the number of hours worked during a 2-week period. A link to a personalized online data collection tool was provided to each employee of OJAG. Each day in the daily diary was broken into 30-minute increments, including the amount of time employees spent on major tasks for the functional area that they chose and a standard set of workload drivers. Recall was kept to 2 weeks of work; most responses came from the previous day or at the end of the day of work.

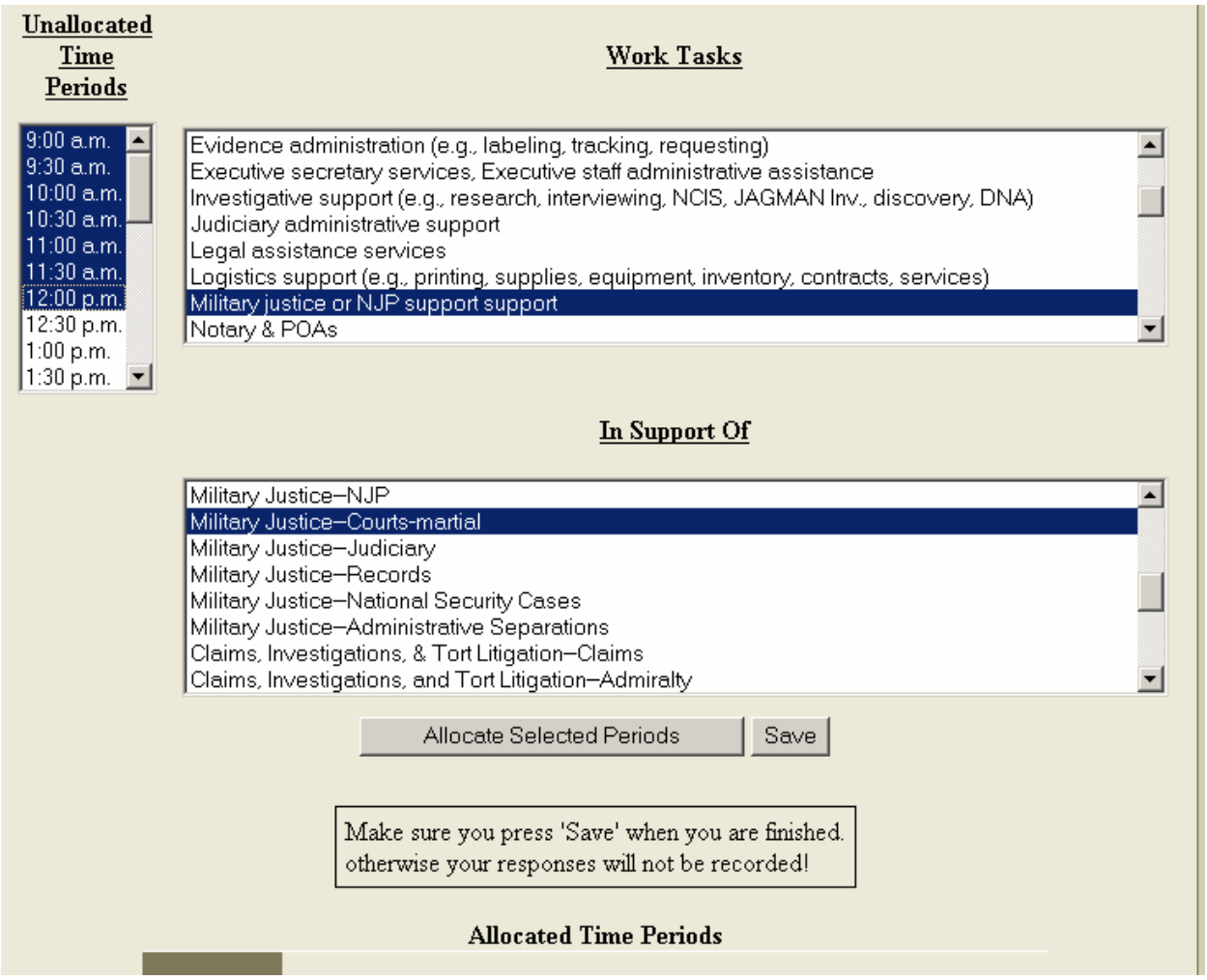
The survey asked participants to do the following: "During the next 2 weeks, please diary your work activities by coming to this site at the end of your workday. Click on the corresponding date below to enter your diary for that day."

Figure 3-1 is an example of what an employee in the "Trial Counsel" functional area would have seen while recording his/her diary.

This methodology required participation from every employee of OJAG, whether civilian, enlisted, or officer. This workload measurement is consistent with past manpower requirement determination research conducted for the Army [2] and for the Navy [1].

The diary had a participation rate higher than 80 percent. It measured the workload for the OJAG workforce for 2 weeks.

Figure 3-1. Example of task screen for Trial Counsel



Workforce assessment survey

We conducted a self-reported workforce survey so that we could adjust for seasonality of the work during the 2-week period, identify demographic information from the respondents, and evaluate the OJAG employees' intentions to stay or leave the organization over the next few years. This followup survey was made available online to all personnel while they were working on their online diaries. Research suggests that self-reporting, used correctly, is an effective method for collecting job analysis data [3,4]. The survey had a 60-percent response rate—lower than the rate for the work diary.

Analysis methodology

Current employee count

Using the information reported by the job employees and official Navy data files describing the manning of each job specialty, we identified the total number of employees under each major functional job area. This count shows the distribution of personnel to these job categories for each OJAG organization. In all cases, our onboard count was very close to the actual onboard strength provided to us by the Navy's official personnel files.

For each JAG organization, such as a RLSO, comparisons of endstrength in each functional area were made to the other functional areas in the organization and to the same functional area in other JAG Corps organizations. Areas were grouped by who performed the work—civilians, enlisted, officers, or LIMDUs. Some functional areas were performed by more than one personnel type (e.g., Administrative Officer-Manager could be done by either civilians or officers). Conversely, Enlisted—functional support/administrative could be done by enlisted active duty or by enlisted LIMDUs.

In some offices, such as RLSOs, the staff was largely composed of attorneys or other legal professionals, with minimal administrative staff and few personnel in overhead positions (IT, resource management, human resources, etc.). The LIMDUs, as expected, were all enlisted and came from a variety of enlisted rates.

Stress on the current workforce as indicated by hours worked

Number of hours worked is the unit we use to identify workload. One indicator that the workload is greater than the workforce capacity is the number of hours worked per week. Previous research shows that extended lengthy workweeks can lead to a stressed workforce. Long work hours are indirectly related to various health and personal problems. Long workweeks, however, are more directly related to the ability to get the job done and are a sign that the workload is greater than the capacity of the current workforce [4].

For this study, we define stress as a situation in which there is more work than can be managed by the workforce without the use of additional or overtime hours. For example, a workweek greater than 35 hours (the federal employee available rate of 1,740 hours yearly) and less than 40 hours would indicate only slight stress (probably little need for more personnel), 40 to 50 hours would indicate modest stress (probably a need for more personnel and a possible backlog developing), and greater than 50 hours suggests severe stress (serious need for more personnel and a probable backlog developing).

Indicators that the workforce is cross-tasked too much

Based on differences between the skill sets required for each major functional area, we identify where parts of the workforce are "cross-tasking"—that is, performing work that is not directly assigned. Employees who cross-task could be taking significant amounts of time away from their required duties to perform or support the mission. In addition, excessive hours spent outside their areas of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other employees from other areas to fill in) or a possible management or organizational problem leading to workflows that require employees to work outside their specialties. For example, a trial attorney spending a significant portion of time on Administrative functions is an indication that either a different specialty is needed to perform/support the mission or the role required of these personnel is not appropriately communicated by leadership. For purposes of this analysis, we defined a convention: on average, employees should spend no more than 15 percent of their time doing tasks in any functional area outside their own.

Direct versus indirect output hours worked

We collected inputs from JAG Corps personnel about what drives the work that they are performing. Because all personnel were able to choose from a standard set of workload drivers/outputs, we can evaluate the hours worked—regardless of functional area and task—to the output. Similar to the way we categorized functional areas, we also categorize the work drivers into direct and indirect.

Direct labor work drivers refer to outputs that directly deal with a legal output. Examples would be administrative law (ethics), claims, environmental law, general litigation, JAGMAN investigations, military justice, miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative), and Naval Justice School (NJS).

Indirect labor—the other main group of workload drivers—refers to outputs that support the legal community, such as budget, fiscal, and comptroller acquisitions; headquarters, management, program analysis, and policy; IT systems and support; and public affairs.

Determining future manpower requirements

As mentioned earlier, with the help of OJAG, we developed several categories of work outputs that were incorporated into the survey. Specifically, JAG personnel were asked to define what task they were doing and what output category (or product/service area) the task supported. For example, a JAG employee might have indicated in his workload diary that he spent 1 hour doing "Evidence administration" (a task) in support of "Military Justice – Courts-Martial" (a product or service area).

To define future requirements, we need to determine what drives the workload in a particular product or service area and forecast the future workload in terms of hours. In some cases, OJAG provided us with historical data that we used to develop "rules" for forecasting future workload. In other cases, few or no data were available, and we were forced to create rules based on a consensus developed from meetings with senior leaders at OJAG (see Table 3-2). The rest of this chapter discusses in detail how each rule was adopted.

Table 3-2 Product area, driver, and associated rule for future workload estimation

Product/Service Area	Pre-2003 Rule	Post-2003 Rule
Administrative Law (Ethics)	Constant	Constant
Administrative Law (Military Personnel Law)	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Admiralty	Constant	Constant
Budget/Fiscal/Comptroller/Acquisitions	Constant	Constant
Claims	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Environmental Law (Installation)	5.9% increase per year	5.9% increase per year
Environmental Law (Operational)	5.9% increase per year	5.9% increase per year
General Litigation	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
HQ/Management/Program Analysis/Policy	Constant	Constant
HQ/Personnel/Pay/Travel	Constant	Constant
International & Operational Law	5.9% increase per year	5.9% increase per year
International Agreements	5.9% increase per year	5.9% increase per year
IT Systems and Support	Constant	Constant
JAGMAN Investigations	Constant	Constant
Joint Matters	5.9% increase per year	5.9% increase per year
Law of War	5.9% increase per year	5.9% increase per year
Legal Assistance (e.g., immigration, wills)	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Legal Assistance-Taxes	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Military Justice-Administrative Separations	2.08 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Military Justice-Courts-martial	1.66 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Military Justice-Investigations	2.08 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Military Justice-Judiciary	1.66 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Military Justice-National Security Cases	1.66 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Military Justice-NJP	Continue downward trend	Continue downward trend
Military Justice-Records	2.08 x current hours x (1 - % change in AD)	Current hours x (1- % change in AD)
Misc. (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	Constant	Constant
Naval Justice School (NJS)	Constant	Constant
Other (legal services)	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Other (non-legal-related services)	Constant	Constant
Other product area (e.g., security, facility management, administrative)	Constant	Constant
Public Affairs	Constant	Constant
Tort Litigation (e.g., MedMal, Pers Injury)	Current hours x (1- % change in AD)	Current hours x (1- % change in AD)
Training-NJS	Constant	Constant
Training-not NJS/Other	Constant	Constant

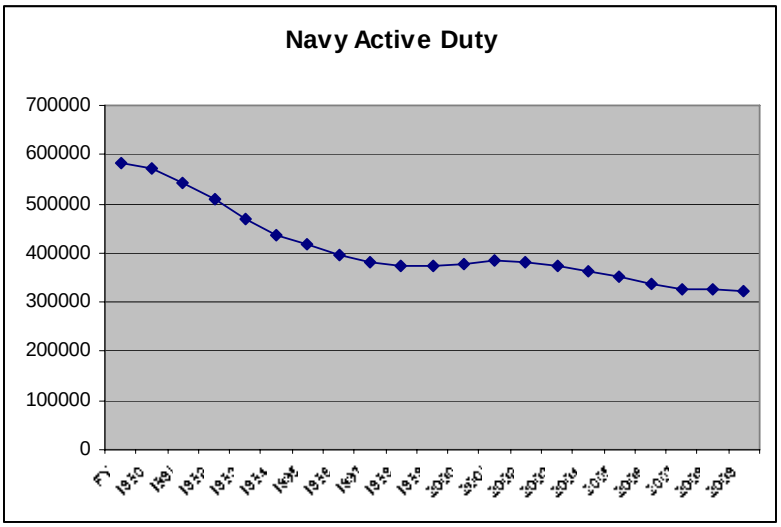
Administrative Law—Ethics

OJAG does not keep detailed records of how many ethics issues are addressed yearly largely because this work comes in the form of advice versus some measurable output, such as a report. For example, if a commander is concerned with receiving a gift, he may ask his JAG to help him determine if any ethical rules are being broken. His JAG will simply advise him rather than write a formal report. The consensus among OJAG leadership was that this work would remain constant in the near future.

Administrative Law (Military Personnel Law)

As with Administrative Law (Ethics), there are no historical data on past workload. However, in conversations with OJAG leadership, the consensus was that this workload is most closely aligned with total Navy personnel. As we can see in 0, the Navy has been drawing down its manpower for the last few years. For FY 08 to FY 10, the active duty count is scheduled to shrink by an additional 3.7 percent. Thus, the expectation is that this workload will also decrease 3.7 percent over the next 3 years.

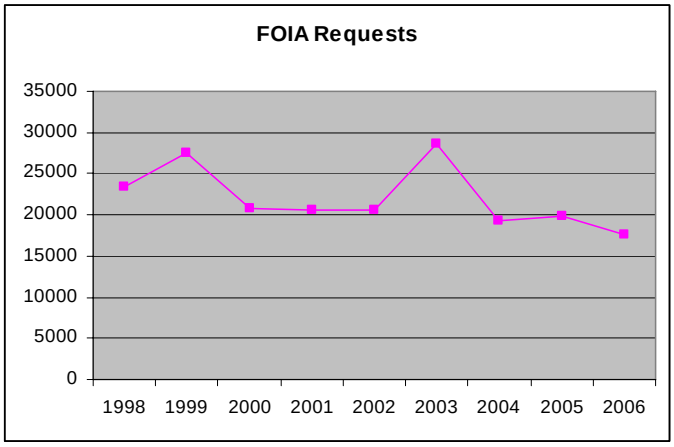
Figure 3-2. Navy active duty



Administrative Law (Other, including FOIA)

This product area was listed as a catchall for all other administrative legal services that were not related to ethics or military personnel law. This category represents a wide variety of legal services, most of which are not tracked by OJAG. The best historical information we could find was on the Navy's Freedom of Information Act (FOIA) website, which contains annual FOIA request data. The results are shown in Figure 3-3. Note that, with the exception of 2 years that preceded elections, the amount of FOIA requests has been more or less stable. Given this, and through discussions with OJAG leadership, we viewed this workload as being constant in the near future.

Figure 3-3. FOIA requests



Admiralty

OJAG does not keep detailed records of how many admiralty issues are addressed yearly. Like ethics issues, this is largely because much of this work comes in the form of advice versus some measurable output, such as a report. In the absence of any historical data, we rely on the consensus among OJAG leadership that this work would remain constant in the near future.

Claims

In recent years, OJAG has changed the way it counts and tracks claims. In particular, OJAG consolidated its claims functions in 2005 and 2006. According to communication with a senior OJAG officer, before consolidation, the NLSOs reported to Code 63 monthly stats

and workload measurements. Unfortunately, NLSOs counted things differently, and Code 63 compiled stats using the NLSO numbers; consequently, stats prior to consolidation are not a true picture of workload. Thus, in creating a framework for forecasting future claims workload, we were forced to use historical data for FY 05 to FY 07 and complement them with qualitative assessments made by OJAG personnel.

Broadly speaking, there are three types of claims: Tort Claims and affirmative tort claims for damage to government property, Medical Care Recovery Act (MCRA) claims, and Personnel Claims and Carrier Recovery. With respect to the first category, the consensus is that as Navy optempo decreases, more Sailors and Marines will return home, which will eventually lead to more of these types of claims. However, this increase will not require an increase in staff. For our study, we argue that current Navy manpower is the best proxy for this type of work and that the expected optempo slowdown will not occur in the near future as operations in Iraq and Afghanistan continue.

MCRA claims for the last 2 years have been very steady, according to data provided by OJAG. In FY 06, there were 16,167 claims; in the first 11 months of FY 07, there were 15,794. Discussions with OJAG personnel suggest that these claims are also tied to Navy manpower. However, the workload is also a function of the retired Navy community and could be influenced by the Surgeon General's office, which has been pushing for military treatment facilities to more actively file claims in order to collect money owed to the government.

For personnel claims and carrier recovery, the expectation is that the future workload will go down due to the way the Navy processes these claims. However, this decrease will not occur for a few years. In general, the consensus is that Navy manpower is the prime driver for this workload.

In sum, all the claims types are heavily influenced by total Navy manpower. Although we adopt this rule for pragmatic purposes, there are several caveats. First, operations in Iraq and Afghanistan will probably not decrease substantially in the short term. However, given the current political climate, there is great uncertainty as to how large our presence will be in Iraq. A faster drawdown will likely

precipitate an increase in tort claims. Second, while we believe that manpower is the main driver behind MCRA claims, the push by the Surgeon General to collect funds owed to the government could lead to an increase in this workload. Thus, we believe that our forecasts for future workload are a minimum.

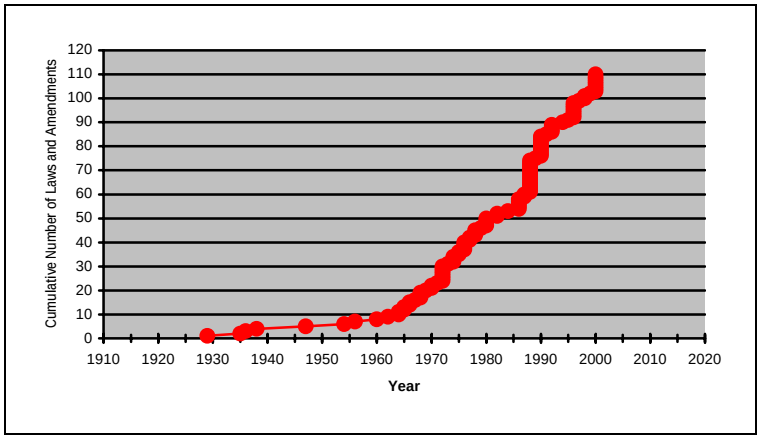
Environmental, International, and Operational Law

OJAG does not have accurate historical information on legal services rendered in these categories. Like ethics work, many of these services are rendered as advice to commanders versus tangible products, such as reports. As a result, we are again forced to combine qualitative assessments from JAG personnel with some related data to form a framework for future workload prediction.

With respect to environmental law (or E-law), the main driver for workload related to installations has been the recent encroachments of metropolitan area neighborhoods on Navy facilities. At one time, these were fairly remote. A recent class action suit against the Navy by residents of the Virginia Beach area for noise pollution is but one example of a trend in E-law cases that OJAG personnel cited. As metro areas around naval facilities continue to grow, this trend represents a large growth area for Navy JAGs.

Even more problematic for the Navy is the number of environmental regulations that have been passed in recent years. As Figure 3-4 shows, there has been a tremendous increase in regulations regarding environmental issues. Perhaps nowhere has this increase been felt more by the Navy than in the operational side where several non-governmental organizations (NGOs) have brought suit against the Navy for a variety of issues, especially in the area of active sonar use. In discussions with JAG environmental lawyers, we learned that all exercises now must have environmental planners.

Figure 3-4. New environmental laws passed



International and operational law (or I-law) is another large growth area for the Navy. From interviews with flag officers and JAG personnel, there are several factors leading to a tremendous growth in workload. They include (among others) an increase in international cooperative maritime agreements, greater reliance on Navy resources from CONUS-based COCOMs, post-9/11 homeland defense issues, operations in Iraq and Afghanistan (currently being done by IAs in the field), detainee operations, and information and intelligence operations.

Interviews with JAG personnel and their customers all tell the same story; E-law and I-law are fast-growing areas. However, while the workload in these two areas has gone up, the number of I-law-related billets (with the exception of IAs due to the operations in Iraq and Afghanistan) has actually not grown by very much at all. (No data on E-law billet growth were available, although we were told that a few E-law billets were added around 2000.) For example, in 2001, there were 59 afloat billets. In 2007, there were only 55. In that same period, the support community grew slightly from 42 to 47. Only the joint billets grew at a fairly brisk rate of 5.9 percent annually, going from 29 to 41. As many OJAG staff commented, this has led to either some work not getting done or work getting done in a way that did not do justice to the problem at hand.

Further investigation into why the I-law billets did not grow at a similar pace in the afloat and support community strongly suggest that the major culprit was the Navy's downsizing of the shore establishment that occurred during this time period. In other words, the

culture within the Navy was one of cutting staff (especially in shore areas) and a reluctance to ask for more resources. Our interviews with flag officers support this view because many acknowledged that, in spite of the fact that their SJAs were working tremendous hours and new initiatives were on the table requiring even more JAGs on the staff, they had no plans to ask for more JAGs. The joint staffs, however, were not under this cultural constraint and increased their billets in a fashion that probably more accurately describes the increase in workload.

In sum, the I-law billet data coupled with qualitative assessments from flag interviews and discussions with JAG personnel clearly show that the workload has increased substantially. We believe it is reasonable to assume that the total I-law workload (excluding that for the IAs) has increased by the 5.9 percent reflected by the annual rise in joint billets and will continue to do so in the near future. Similarly, while we do not have accurate historic data on E-law billets, we believe that a similar story can be told—namely, that the rise in workload has increased substantially while the rise in billets has probably not kept up.

Given the foregoing discussion, our framework for predicting future workload in all E-law and I-law areas is to assume that this workload will continue to increase in the near future exponentially at 5.9 percent annually (this is equivalent to saying that the workload will double in 12 years). Further, we view this assumption to be an underestimate of the true growth.

However, this assumption covers only the "core" work being done by JAGs and not new initiatives, such as AFRICOM. Thus, in addition to allowing for the growth in the core work, we will include an estimate of the manpower requirements for these new initiatives. Keep in mind, though, that these estimates are done internally by Navy personnel and are not based on the methodology used in this study.

Finally, with respect, to the future for IAs, we assume that the current workload will remain constant. This view is supported by our interviews with flag officers who did not see the U.S. presence in Iraq declining significantly within the next few years.

General Litigation

For the purposes of this study, general litigation refers mostly to work done by Code 14 in support of the defense of Navy and Marine Corps commanders, in federal civil litigation, FOIA and Privacy Act litigation, the defense of cases challenging military personnel programs or policies, constitutional torts and personal liability, and the defense of all litigation arising under disability laws or regulation. Since no hard historical data were available for much of this work, the consensus among OJAG leadership was to tie this future workload to the Navy's overall manpower.

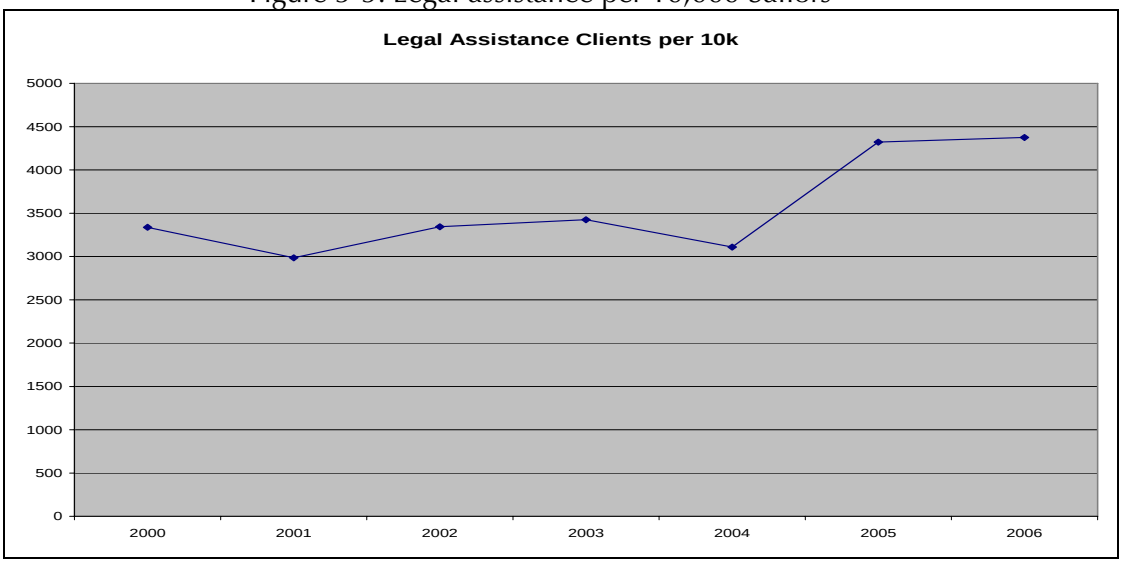
JAGMAN Investigations

JAGMAN investigations arise whenever an incident, such as an aircraft accident, occurs. Due to the random nature of these events, it is nearly impossible to determine with any accuracy what the future workload will be in this area. For purposes of this study, we assume that the current workload will be constant in the near future, while noting that these investigations are very labor intensive and any random spike in JAGMAN investigations would likely stress the workforce.

Legal Assistance

Legal assistance includes a variety of services done by members of the JAG community on behalf of Sailors and Marines. These services include wills, help with immigration issues, powers of attorney, notaries, and tax assistance. Data provided to CNA from OJAG show that the amount of legal services provided per 10,000 Sailors has increased since 2005 (see Figure 3-5). However, this increase is mostly a result of the way OJAG changed its counting method. The consensus was that there has been no significant paradigm shift in legal services in the last 2 years. For purposes of our study, we assume a constant per-Sailor level of service and allow the workload to trend with future Navy active duty manpower.

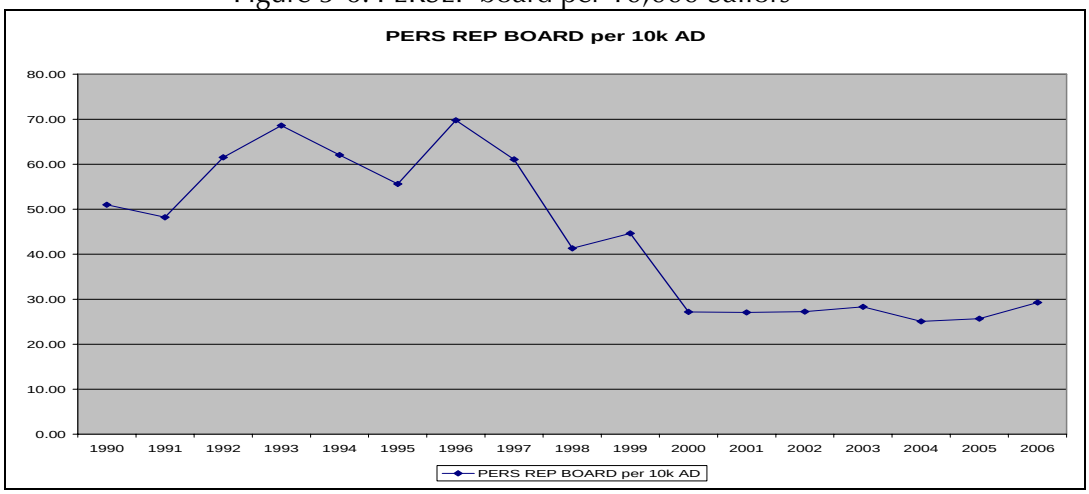
Figure 3-5. Legal assistance per 10,000 Sailors



Military Justice

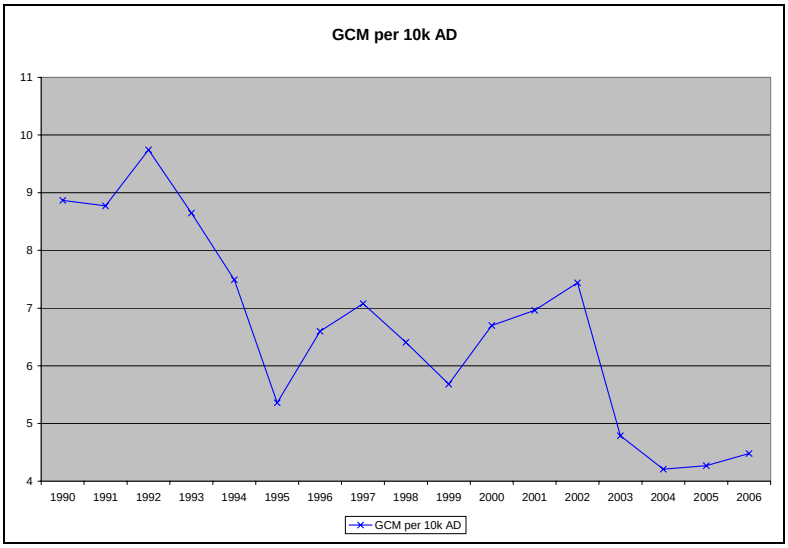
For our study, military justice services included administrative separations (admin seps), courts-martial (GCMs), investigations, the judiciary, national security cases, non-judicial punishment (NJP), and records. Figure 3-6 shows trends in the number of PERSREP boards over the last few years, which correlate with the number of administrative separations.

Figure 3-6. PERSEP board per 10,000 Sailors



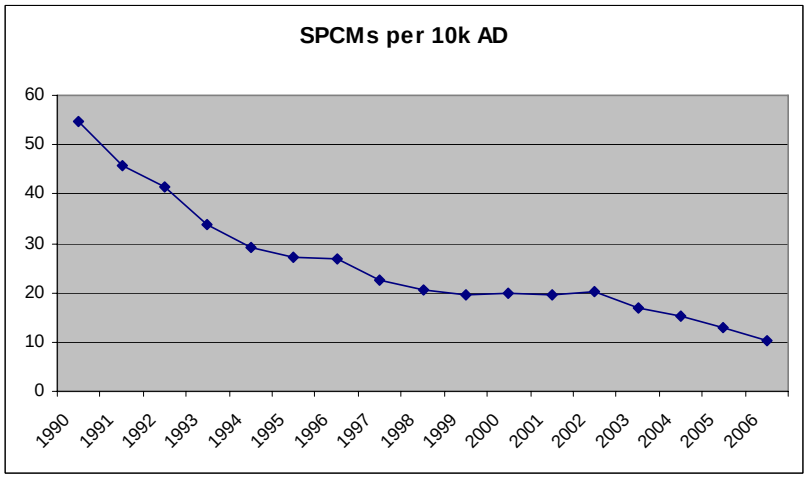
All of the workload in military justice—with the exception of NJPs, which have experienced a steady downward trend for years—has undergone a paradigm shift since the late 1990s. For example, we note in Figure 3-6 that the average number of PERSREP boards (a close proxy to admin seps) per 10,000 Sailors has dropped from 56.4 to about 27.1. In other words, the per-Sailor workload associated with admin seps was approximately 2.08 times higher in the 1990s than in the last 7 years. A similar shift can be seen in the general courts-martial area where a paradigm shift occurred in 2003 when the average GCMs per 10,000 Sailors was 4.4. Before 2003, the average number of GCMs per 10,000 Sailors was 7.4, or 1.66 times higher (see Figure 3-7). For our study, we wanted to know if this phenomenon was a short-term adjustment to a post-9/11 military stance and if the expectation should be that the previous paradigm dominant in the 1990s would return. To determine whether the new paradigm in military justice would continue, we looked at several variables that could explain this recent phenomenon.

Figure 3-7. General courts-martial per 10,000 Sailors



One theory for the drop in GCMs is that, in 2002, the law was changed to allow for special courts-martial (SPCMs) to adjudge 1-year confinement cases. This would have transferred some of the GCMs over to the SPCM area, thus accounting for the 2003 drop. While we believe that this may have had some effect, we note from Figure 3-8 that SPCMs per 10,000 Sailors has also trended down.

Figure 3-8. Special courts-martial per 10,000 Sailors



Another possible explanation for less military-justice-related work is that Sailors are behaving better. We looked at three factors that might affect Sailor behavior for the better, which would explain the decline in GCMs and PERSREP boards. First, we looked at the average age of a Sailor. Presumably, older Sailors are more mature and are less likely to get into legal trouble. Second, we examined marriage rates. Again, the theory is that married Sailors are more responsible and tend to get into less trouble as well. Finally, we looked at the possibility that Sailors are busier due to increased operations and spend less time at a shore facility where they typically get in trouble.

Our analysis did not show that some demographic shift is responsible for the downturn in the military justice workload. As Figure 3-9 shows, the average age of a Sailor dipped a little from its peak in the late 1990s but has been very stable for over 6 years. Thus, age can be ruled out as an explanatory factor in the shift in military-justice-related workload. Similarly, Figure 3-10 shows that marriage rates do not seem to explain the shift in military justice workload.

Figure 3-9. Average age of Sailors in the Navy

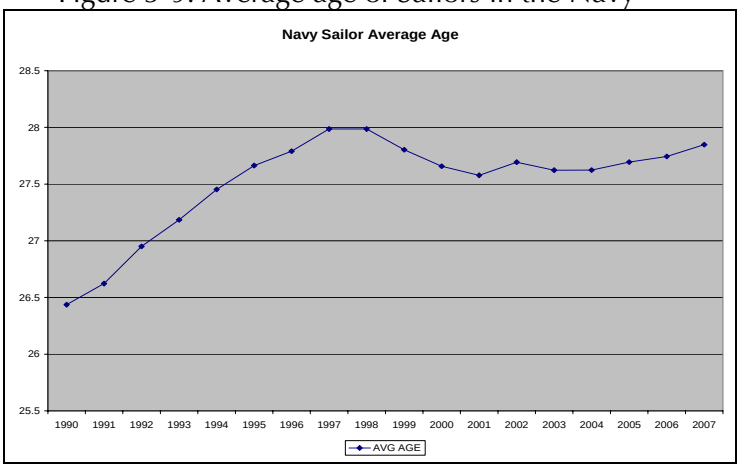
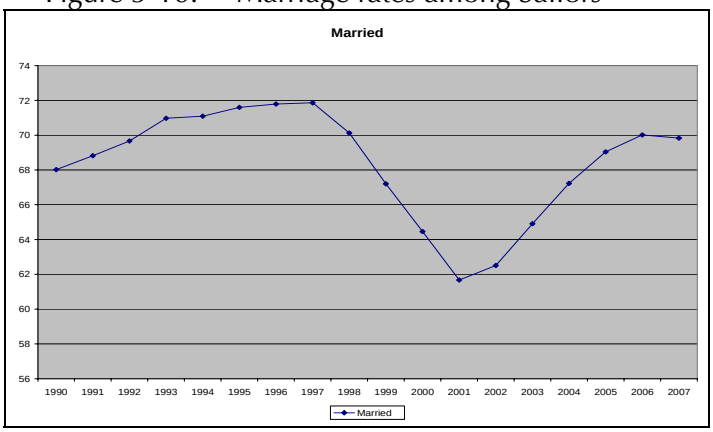


Figure 3-10. Marriage rates among Sailors

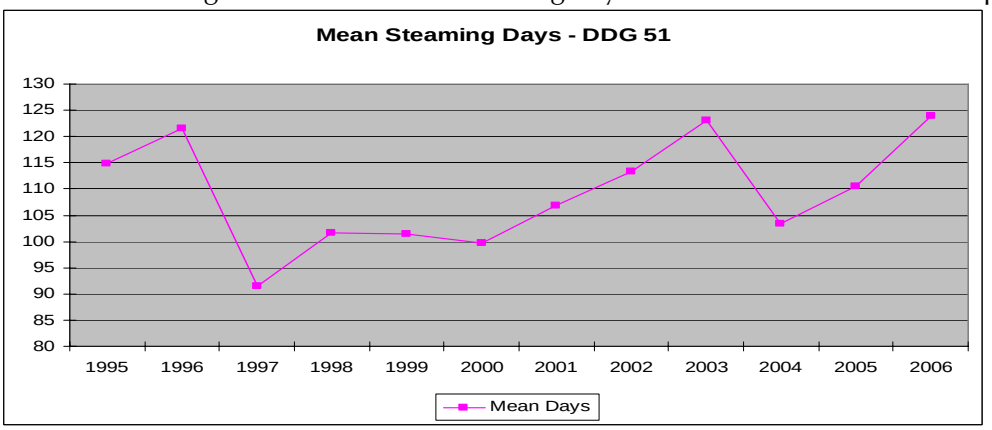


Another possible factor contributing to better Sailor behavior is that Sailors have been busier in recent years due to increased operations. Because of time constraints, we were able to examine only one metric that served as a proxy for how busy Sailors are—ship steaming days for the DDG-51 class of ships. Included in the steaming days are all days where the ship was away from port with its engines actually turning, including ship workups and training. Thus, if the ship is out at sea more often for whatever reason, the Sailors are at sea and are less likely to get into trouble.

Figure 3-11 shows that, in 2002 and 2003, steaming days did increase in response to operations in Afghanistan and Iraq. In 2004, however, steaming hours dropped significantly with no coincident increase in GCMs or SPCMs. We conclude that increased operational

tempo may be to some degree a factor in explaining why the mil-justice-related workload decreased, but it is not the whole story.

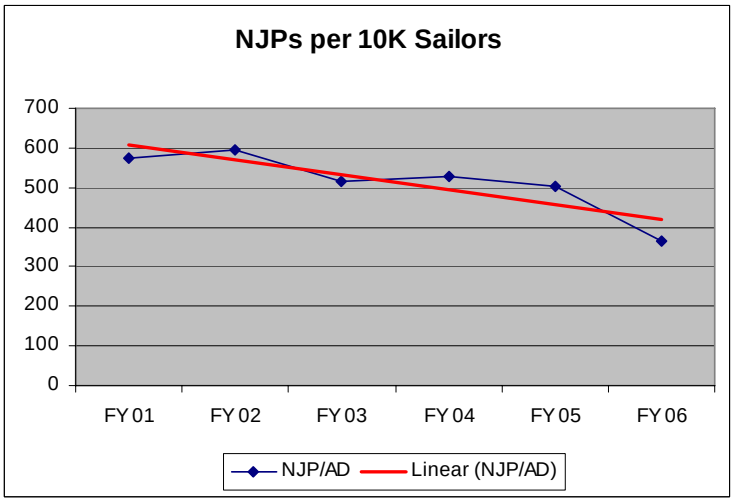
Figure 3-11. Mean steaming days for the DDG-51 class of ships



Finally, in conversations with senior JAG leadership, other explanations for the fall in mil-justice-related work have been cited that do not assume better behavior of Sailors. After 2002, for various reasons, a cultural shift within the Navy may have taken place; as a result, Sailors are not put through the GCM process but instead are forced out of the Navy via other administrative processes. Also, NCIS may have placed more emphasis on counterterrorism after 9/11 and consequently are not setting up as many sting operations against Sailors. However, all of these explanations are based on personal experiences, and there are no hard data to prove or disprove them. Therefore, we simply cite them as possibilities.

In sum, we cannot find one overriding factor that explains the reduction in GCM and PERSREP board workload. As a result, we have no scientific way to predict whether the current paradigm will continue or the Navy will go back to the "bad old days" with more mil-justice-related work per 10,000 Sailors. Thus, for the purposes of our analysis, for all military-justice-related work except NJPs, we estimate a maximum and minimum for future manpower requirements based on average per capita workloads before the paradigm shifts. For NJPs, we simply extend the trend line to predict future workload of that service area (see Figure 3-12).

Figure 3-12. NJPs per 10,000 Sailors



For example, before 2002 the average GCMs per 10,000 Sailors was 7.37. From 2003 on, the average dipped to about 4.44 GCMs per 10,000 Sailors. If we assume that the Navy will experience in 2008 a paradigm shift back to the pre-2003 average, the number of GCMs will increase by 1.66 (7.37/4.44) times the change (or delta) in total Navy manpower. For 2008, the Navy manpower is expected to decrease by 2 percent. Thus, expected GCMs should increase by a factor of 1.63 (1.66 x .98), assuming that the average time to work on GCMs stays constant as well. However, if we feel that the new paradigm will continue through the foreseeable future, GCMs should decrease by the 2-percent reduction in total Navy manpower. The results of these calculations for all product service areas are shown in Table 3-2 and represent the rules we use in estimating future hours required.

Thus, for such areas as GCMs, where we saw a paradigm shift that could not be fully explained, we calculate a range of hours required to manage the expected future workload based on the two scenarios. We then calculate future manpower requirements using those hours and assume a 50-hour workweek (and adjust for those who did not respond) to arrive at an estimate of future manpower. For this reason, we will report two sets of future manpower requirements when applicable.

Miscellaneous

This category of service was a catchall for other work outside the typical military justice services but not technically part of the E-law and I-law workload either. It includes arms control agreements, intelligence oversight, foreign criminal jurisdiction, and legislative issues. Given the variety of services included under this umbrella, there are no historical data to estimate trends. However, the consensus among OJAG leaders was that this work would remain constant (and perhaps trend upward slightly) in the near future.

Naval Justice School

The core mission of the Naval Justice School (NJS) is to provide intensive instruction to officers and enlisted personnel in the fundamental principles of military justice, civil, and administrative law. Not enough historical data were available to determine workload trends, but the consensus among OJAG leaders was that this body of work would remain constant over the next few years.

Public Affairs

No historical data exist to examine trends in this workload. However, recent years have seen many high-profile cases, and the consensus of the OJAG leadership was that this workload would remain constant and possibly even increase.

Tort Litigation

This service area includes medical malpractice suits and personal injury suits. Again, no specific data are available to track historical trends in this area. The consensus is that this workload is tied to Navy manpower.

Overhead

Like any other organization, JAG has a portion of its workforce devoted to doing work that is normally considered overhead. The work includes human resource functions, headquarters functions, miscellaneous training, budget and resource management functions, and IT. In most areas, the consensus is that the overhead

workload will remain constant in the near term. Only IT was considered as a possible area where the workload may trend upward due to the JAG's new CMTIS (Case Management Tracking Information System) workload tracking tool and other OJAG initiatives in computer systems.

Workweek Assumptions

After calculating the expected future workload, we calculated the number of personnel required using the assumptions that officers and enlisted personnel should work a 50-hour workweek and civilians should work a 40-hour workweek[1]. In case OJAG is interested in the personnel requirements that would occur if different workweek assumptions were used, this document provides personnel requirements using different workweek lengths. For example, we compute the requirements for enlisted personnel using 50-hour, 45-hour, and 40-hour workweek assumptions. We provided these sensitivity analyses so that the reader can judge for himself or herself whether alternative requirements standards (other than a 50-hour workweek for military and 40-hour workweek for civilians) should be seriously considered.

[1] As we mentioned earlier, the federal employee available rate is 1,740 hours yearly, which works out to about 33.5 hours per week for 52 weeks. This accounts for vacation and sick leave—the 1,740 is for 40-hour weeks, but with time allowed for vacation and sick leave. Therefore, we round up, and divide by 35 for the 40-hour standard workweek, and by 45 for the 50-hour standard workweek. This is consistent with earlier work [2].

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Chapter 4. Region Legal Service Office (RLSO) results

RLSO Midlant

Count of survey respondents

Our analysis covers the main RLSO office in Norfolk as well as six branch offices and detachments (Groton, Oceana, Earle, Brunswick, Newport, and Willow Grove). At the time of this study, there were no JAG Corps personnel in Ballston Spa.

Overall, the response rate for the workload survey was high—particularly considering that RLSO Midlant had 14 personnel on IAs at the time of the survey (3 JAG Corps officers and 11 Legalmen (LNs), according to numbers from Code 63). Table 4-1 shows that our sample included 15 civilians, 18 LNs, 25 officers (which included 1 LDO), and 18 limited duty (LIMDU) enlisted, for a total of 76 respondents. These are extremely high response rates: 92.6 percent for the officers, 62.5 percent for the civilians, and 69 percent for non-LIMDU enlisted personnel[1].

We did not venture to estimate the response rate for LIMDU personnel because of difficulty obtaining a useful estimate of how many were available to answer the work diary. We conducted a search of the billet file for LIMDUs as of June 8, 2007, and found 9 assigned

[1] The RLSO portion of the manpower analysis does not include officer, enlisted, or civilian productivity data for services provided on-site at installations (shore-based commands), with personnel attached to the RLSO, since we sought to measure not only what and how much work was being performed, but also where it was being performed. To ensure that RLSO manpower requirements are accurately captured, that portion of Part 2 must be added to RLSO manpower requirements reflected in Part 1.

to RLSO Midlant. But our dataset for RLSO Midlant includes a sampling of 18 limited duty personnel—twice the number we found in our search of the Navy's LIMDU database of how many should be at RLSO Midlant. The discrepancy should not be surprising because LIMDUs are sometimes available from a temporary labor pool from the Naval Station, without being formally assigned to the RLSO. Numbers of LIMDU personnel who are available for work can fluctuate considerably from day to day.

Table 4-1 also tells us that the civilians who answered were predominantly paralegals (7) or administrative personnel (5, including an administrative officer-manager, 3 clerical-administrative personnel, and 1 legal administrative assistant). The officers who answered were mostly trial counsel (11) or Staff Judge Advocates (10). All told, this is a very good response rate for describing the work being performed at RLSO Midlant. The table shows that all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals.

Table 4-1. RLSO Midlant respondents

Primary functional area	Civilian	Enlisted	Enlisted LIMDU	Officer	Grand Total
Administrative Officer-Manager	1			2	3
Civilian Paralegal	7				7
Clerical-Administrative	3				3
Court Reporter	3				3
Enlisted--Comms & Intell (e.g., OS, IT, AC, CT)			8		8
Enlisted--Functional Support/Admin (e.g., YN, PS, JO, AZ)			4		4
Enlisted-Legalman (or equivalent Marine)		15			15
Enlisted-Legalman Court Reporter		1			1
Enlisted--Seamanship, Navigation (e.g., SN, BM, QM)			1		1
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)			5		5
Executive (Director, CO, XO, Special Assistant)				1	1
Executive Support (EA, JAG IG, CMC, SEA)		2			2
Legal Admin Assistant	1			1	2
Staff Judge Advocate (SJA) & Command Services				10	10
Trial Counsel - Government				11	11
Grand Total	**15**	**18**	**18**	**25**	**76**
Actual RLSO total (from June 2007 dashboard)	**24**	**26**	**21**	**27**	**96**

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (e.g., low morale, health problems), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce and a backlog of work might be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages to take this into account.

Table 4-2. RLSO Midlant average hours worked by employment status

Current employment status	Total hours	Total personnel reporting	Average work-week	Average days worked	Average workweek (adjusted)
Civilian	978.5	15	32.6	8.1	40.3
Enlisted -- LIMDU	337.5	18	9.4	2.7	34.7
Enlisted (including active duty or reserve)	1,206.5	18	33.5	8.5	39.4
Officer (including active duty or reserve)	2,253.0	25	45.1	10.1	45.1
Grand Total	4,775.5	76	31.4	7.6	41.3

To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-2.

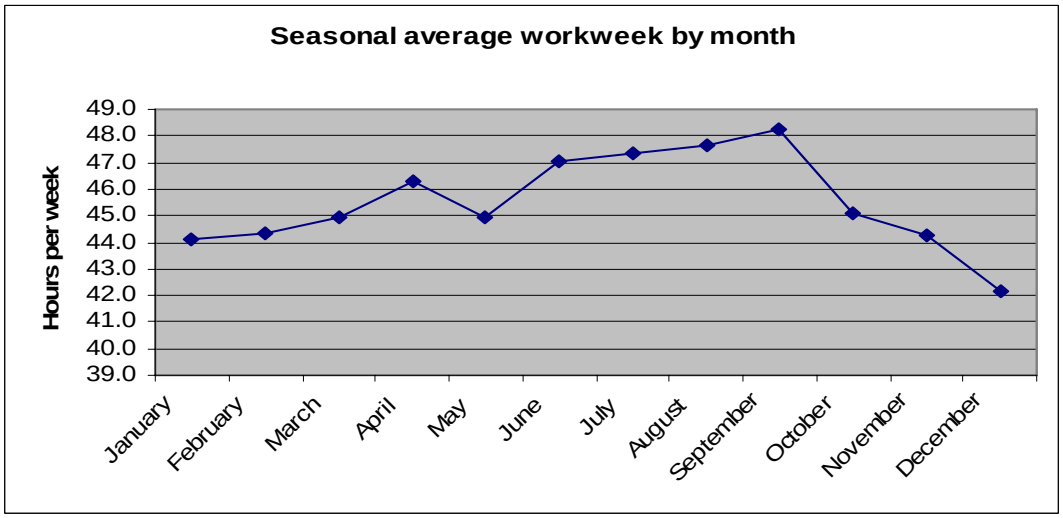
As we can see, the 25 officers had the longest workweek, both before and after adjustments were made. They were followed by the 18 enlisted (Legalmen), at 33.5 hours per week, and the 15 civilians, at 32.6 hours per week. The 18 LIMDUs reported the fewest hours worked per week. This is to be expected since we asked them to report only 2 workdays. Some LIMDUs reported more than 2 days;

however, these LIMDU personnel often have medical appointments and sometimes a need for more rest than full duty personnel. In summary, the results are pretty much as expected—the highest work hours by officers, followed by enlisted and civilians, with LIMDU personnel working the lowest number of hours per week.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 1 shows that June was a month of relatively high workload—an average of 47.0 hours per week, versus 45.5 hours throughout the entire year. Therefore, we will multiply hours worked by 47.0/45.5, or .968, when we compute workload requirements. September also appears to be a month of relatively high work hours, and December is a month of greatly reduced hours, compared with the rest of the year.

Figure 4-1. Seasonal workweek by month: RLSO Midlant



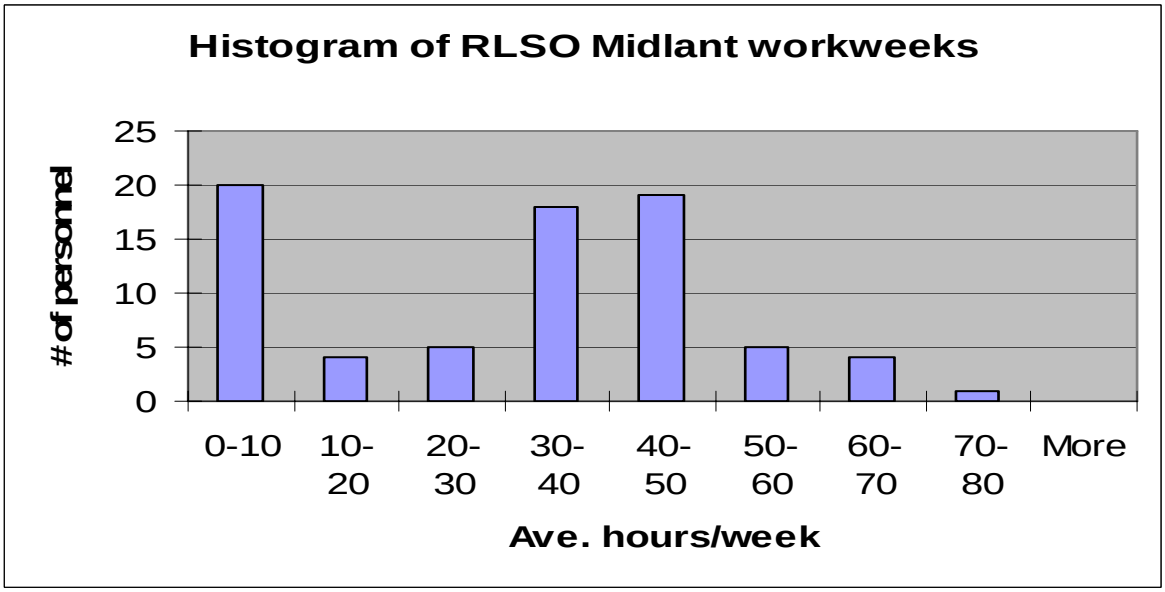
Employees who work over 50 hours per week

The unadjusted average workweek for RLSO Midlant was 45.1 hours for officers, 33.5 hours for enlisted, and 32.6 hours for civilians. The LIMDUs worked the least. However, as mentioned earlier, this in-

cluded those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 4-2 offers a more complete picture of hours worked per employee. Figure 4-2 shows that one respondent worked an average of 70 to 80 hours during the 2-week survey, four worked an average of 60 to 70 hours per week, and five worked an average of 50 to 60 hours per week. The most common workweek (except for LIMDUs) fell in the range of 40 to 50 hours. From these data, we conclude that the staff is slightly stressed due to the current workload, and some officers are, indeed, working very long hours. The workers with very short workweeks, 0 to 10 hours and 10 to 20 hours, were almost all LIMDU personnel.

Figure 4-2. Total unadjusted hours worked during 2-week reporting period (n=76): RLSO Midlant



Indicators that the workforce is cross-tasked too much

Table 4-3 through 4-8 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possi-

ble management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel, such as lawyers and paralegals, spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-3 and Table 4-4 that, of the total hours worked during the 2-week diary, 52.5 percent (1,183/2,253) are related to legal tasks. Training (379.5 hours, 16.8 percent), Other (304.0 hours, 13.5 percent), and Admin (220.5 hours, 9.8 percent) were three other areas that accounted for a significant number of officer hours. This indicates that the officers spend a great deal of their time either training or doing some ancillary work or administrative tasks. The paralegal LDOs spent a larger percentage of time on legal tasks (63 percent) than any other category of task. Not surprisingly, Executive Officers (Director, CO, XO, etc.) spent more time on executive and executive support tasks (40 percent) than on any other kinds of task. Note, however, that the executive officers spent 26 percent of their time on legal tasks, which is higher than at some other RLSOs. Paralegals spend a large percentage of their time (30 percent) performing duties in the administrative area. It is noteworthy that the administrative staff included some time to perform duties as an instructor (26 percent).

Table 4-5 and Table 4-6 show the civilian results. The civilian community spends much less time doing ancillary "other" tasks than the officers do (only 79.5 hours out of 978.5 total, 8.1 percent for civilians versus 13.5 percent for officers). However, they spend a greater percentage of their time performing administrative tasks (371 out of 978.5, 37.9 percent) than do the officers (220 hours, 9.7 percent). The paralegals spend more time performing legal tasks (299.5 hours, 58 percent of their time) than they do performing admin tasks (135.5 hours, 26 percent of their time).

Table 4-7 and Table 4-8 show results for the enlisted community. This community spends its largest amount of time doing legal tasks (469.5 out of 1,544, 30.4 percent) (321.5/1,233, 26 percent), followed by admin (431.5 out of 1,544, 27.9 percent), and other (418.0, 27.1 percent).

In sum, all personnel spent some time doing work outside their specialties. Enlisted executives spent 17 percent of their time performing administrative tasks, and legalmen spent 22 percent of their time on administrative tasks. However, the court reporters spent 83 percent of their time doing legal work. Enlisted spend most of their time on legal tasks, admin tasks, and other tasks. Officers spent the majority of their time on legal tasks, but other tasks were also a major factor in their workweek. They spend more time in training, performing as an instructor, and in executive or command roles than do the civilians and enlisted personnel.

Table 4-3. Distribution of hours by task (officers only): RLSO Midlant

RLSO Midlant officers	Admin	Executive/ Executive Support	Instructor	Legal	Other	Resource Mgmt	Training	Travel	Grand Total
Administrative	45.0		22.5	3.5	15.0				86.0
Executive	12.0	37.5	0.5	24.0	15.5	3.0	1.0		93.5
Paralegal	16.0			34.0	4.0				54.0
SJA	69.5	14.5	18.0	428.0	165.5		243.5	27.5	966.5
Trial Counsel	78.0	2.0	4.5	693.5	104.0		135.0	36.0	1,053.0
Grand Total	220.5	54.0	45.5	1,183.0	304.0	3.0	379.5	63.5	2,253.0

Table 4-4. Percentage distribution of hours by task (officers only): RLSO Midlant

RLSO Midlant officers	Admin	Executive/ Executive Support	Instructor	Legal	Other	Resource Mgmt	Training	Travel
Administrative	52%	0%	26%	4%	17%	0%	0%	0%
Executive	13%	40%	1%	26%	17%	3%	1%	0%
Paralegal	**30%**	0%	0%	63%	7%	0%	0%	0%
SJA	7%	2%	2%	44%	17%	0%	25%	3%
Trial Counsel	7%	0%	0%	66%	10%	0%	13%	3%

Table 4-5. Distribution of hours by task (civilians only): RLSO Midlant

RLSO Midlant civilians	Admin	Exec/ Exec Sup-port	Fa-cility	Human Re-sources	In-struc-tor	Legal	Other	Re-source Mgmt	Train-ing	Grand Total
Adminis-trative	153.5	1.0	27.5	7.5	0.5	15.0	11.0	7.5	2.0	225.5
Court Reporter	82.0					155.5				237.5
Paralegal	135.5					299.5	68.5		12.0	515.5
Grand Total	371.0	1.0	27.5	7.5	0.5	470.0	79.5	7.5	14.0	978.5

Table 4-6. Percentage distribution of hours by task (civilians only): RLSO Midlant

RLSO Midlant civilians	Admin	Exec/ Exec Sup-port	Facil-ity	Human Re-sources	Instruc-tor	Le-gal	Other	Re-source Mgmt	Train-ing
Admin	68%	0%	12%	3%	0%	7%	5%	3%	1%
Court Re-porter	**35%**	0%	0%	0%	0%	65%	0%	0%	0%
Paralegal	**26%**	0%	0%	0%	0%	58%	13%	0%	2%

Table 4-7. Distribution of hours by task (enlisted only): RLSO Midlant

RLSO Midlant enlisted	Admin	Exec/ Exec Support	Facility	Human Re-sources	Instruc-tor	IT	Legal	Other	Se-curity	Train-ing	Travel	Grand Total
Enlisted - Admin Support	39.0	4.0					8.0	67.5				118.5
Enlisted - Court Reporter	2.5				1.0		68.0	10.0				81.5
Enlisted - Executive	29.0	73.0			9.5		4.0	46.0		4.5		166.0
Enlisted - Legalmen	208.0	52.5	5.0	3.5	16.5	4.5	377.0	248.0	4.5	27.0	12.5	959.0
LIMDU	153.0	1.5	3.5				12.5	46.5			2.0	219.0
Grand Total	431.5	131.0	8.5	3.5	27.0	4.5	469.5	418.0	4.5	31.5	14.5	1,544.0

Table 4-8. Percentage distribution of hours by task (enlisted only): RLSO Midlant

RLSO Midlant enlisted	Admin	Exec/ Exec Spt	Facil-ity	Human Re-sources	In-struc-tor	IT	Le-gal	Other	Se-curity	Train-ing	Travel
Enlisted - Admin Support	33%	3%	0%	0%	0%	0%	7%	**57%**	0%	0%	0%
Enlisted - Court Reporter	3%	0%	0%	0%	1%	0%	83%	12%	0%	0%	0%
Enlisted - Exec	**17%**	44%	0%	0%	6%	0%	2%	28%	0%	3%	0%
Enlisted - Le-galmen	**22%**	5%	1%	0%	2%	0%	39%	26%	0%	3%	1%
LIMDU	28%	8%	1%	0%	2%	0%	30%	27%	0%	2%	1%

Direct versus indirect hours worked

Table 4-9 through 4-14 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables that follow, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that support the JAG community. This could also be considered overhead. In the tables, they are shaded in grey and generally refer to such work output as budget services, human resource services, and the like. These are essential functions, but they are not direct labor hours.

Officers spent 1,522.5 hours (or about 68 percent of their total time) providing some type of legal service. Trial counsel, not surprisingly, spent a great deal of their time working on military justice–courts-martial while the SJAs/Command Services provided a much larger variety of other legal services. Civilian and enlisted personnel spent 763.5 hours (or 78 percent) of their total time) and 1,113 hours (or 72 percent of their total time), respectively, on legal services. Officers spent a larger percentage of their time on the ex-

panding field of environmental law (95 hours, or 4.2 percent) than did civilians or enlisted, who did no work in that area.

In sum, when looking at how the RLSO personnel spend their time, the largest product areas are military justice–courts-martial and other legal services. Officers spend more time giving and receiving training. Paralegals and court reporters are very focused on strictly legal duties, compared with SJAs. These differences suggest that officers, civilians, and enlisted personnel are used for different roles in supporting the RLSO's missions.

Table 4-9. Distribution of hours across product and service areas (officers only): RLSO Midlant

RLSO Midlant officer table	Administrative	Executive	Paralegal	SJA	Trial Counsel	Grand Total
Administrative Law (Ethics)		1.5		45.5		47.0
Administrative Law (Military Personnel Law)		1.5		21.5		23.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)				38.5		38.5
Claims				1.0		1.0
Environmental Law (Installation)				94.0		94.0
Environmental Law (Operational)		0.5		0.5		1.0
General Litigation		0.5			9.5	10.0
JAGMAN Investigations		1.0		2.0		3.0
Joint Matters		0.5		0.5		1.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)				2.5		2.5
Military Justice-Administrative Separations		1.5		39.0	10.0	50.5
Military Justice-Courts-martial		20.0	48.0	56.0	756.0	880.0
Military Justice-Investigations	5.0	8.0		19.0	18.5	50.5
Military Justice-Judiciary		1.0				1.0
Military Justice-NJP	5.0			21.0		26.0
Military Justice-Records		1.5			2.5	4.0
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)				1.5		1.5
Naval Justice School (NJS)				33.0	3.0	36.0
Other (legal services)		23.5	3.5	171.0	54.0	252.0
Public Affairs				5.5		5.5
Training-NJS				164.0	131.5	295.5
Budget/Fiscal/Comptroller/Acquisitions		2.5		5.0		7.5
Headquarters/Management/Program Analysis/Policy	1.5	6.5		3.5		11.5
Headquarters/Personnel/Pay/Travel		6.0		1.0	0.5	7.5
IT Systems and Support				1.5	1.0	2.5
(No Area)					11.5	11.5
Other (non-legal-related services)	46.0	11.0	2.5	145.0	47.5	252.0
Other product area (e.g., security, facility management, administrative)		6.5		17.5	3.5	27.5
Training-not NJS/Other	28.5			77.0	4.0	109.5
Grand Total	86.0	93.5	54.0	966.5	1,053.0	2,253.0

Table 4-10. Percentage distribution of hours across product and service areas (officers only):
RLSO Midlant

RLSO Midlant officer table	Administrative	Executive	Paralegal	SJA	Trial Counsel
Administrative Law (Ethics)	0%	2%	0%	5%	0%
Administrative Law (Military Personnel Law)	0%	2%	0%	2%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	0%	0%	4%	0%
Claims	0%	0%	0%	0%	0%
Environmental Law (Installation)	0%	0%	0%	10%	0%
Environmental Law (Operational)	0%	1%	0%	0%	0%
General Litigation	0%	1%	0%	0%	1%
JAGMAN Investigations	0%	1%	0%	0%	0%
Joint Matters	0%	1%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	2%	0%	4%	1%
Military Justice-Courts-martial	0%	21%	89%	6%	72%
Military Justice-Investigations	6%	9%	0%	2%	2%
Military Justice-Judiciary	0%	1%	0%	0%	0%
Military Justice-NJP	6%	0%	0%	2%	0%
Military Justice-Records	0%	2%	0%	0%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%	0%	0%
Naval Justice School (NJS)	0%	0%	0%	3%	0%
Other (legal services)	0%	25%	6%	18%	5%
Public Affairs	0%	0%	0%	1%	0%
Training-NJS	0%	0%	0%	17%	12%
Budget/Fiscal/Comptroller/Acquisitions	0%	3%	0%	1%	0%
Headquarters/Management/Program Analysis/Policy	2%	7%	0%	0%	0%
Headquarters/Personnel/Pay/Travel	0%	6%	0%	0%	0%
IT Systems and Support	0%	0%	0%	0%	0%
(No Area)	0%	0%	0%	0%	1%
Other (non-legal-related services)	53%	12%	5%	15%	5%
Other product area (e.g., security, facility management, administrative)	0%	7%	0%	2%	0%
Training-not NJS/Other	33%	0%	0%	8%	0%

Table 4-11. Distribution of hours across product and service areas (civilians only): RLSO Midlant

RLSO Midlant civilian table	Adminis-trative	Court Reporter	Para-legal	Grand Total
Administrative Law (Military Personnel Law)			5.5	5.5
JAGMAN Investigations			5.0	5.0
Joint Matters			5.0	5.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)			0.5	0.5
Military Justice-Administrative Separations			19.0	19.0
Military Justice-Courts-martial		211.0	230.0	441.0
Military Justice-Investigations			1.5	1.5
Military Justice-Judiciary			1.0	1.0
Military Justice-Records		11.5	0.5	12.0
Budget/Fiscal/Comptroller/Acquisitions	3.5			3.5
Headquarters/Management/Program Analysis/Policy	0.5			0.5
Other (legal services)	62.5	1.5	203.5	267.5
Public Affairs			1.5	1.5
(No Area)	4.5		12.5	17.0
Other (non-legal-related services)	2.5		14.5	17.0
Other product area (e.g., security, facility management, administrative)	142.5	13.5	7.0	163.0
Training-not NJS/Other	9.5		8.5	18.0
Grand Total	225.5	237.5	515.5	978.5

Table 4-12. Percentage distribution of hours across product and service areas (civilians only): RLSO Midlant

RLSO Midlant civilian table	Administrative	Court Reporter	Paralegal	Grand Total
Administrative Law (Military Personnel Law)	0%	0%	1%	1%
JAGMAN Investigations	0%	0%	1%	1%
Joint Matters	0%	0%	1%	1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	0%	4%	2%
Military Justice-Courts-martial	0%	89%	45%	45%
Military Justice-Investigations	0%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	0%
Military Justice-Records	0%	5%	0%	1%
Budget/Fiscal/Comptroller/Acquisitions	2%	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	0%	0%	0%	0%
Other (legal services)	28%	1%	39%	27%
Public Affairs	0%	0%	0%	0%
(No Area)	2%	0%	2%	2%
Other (non-legal-related services)	1%	0%	3%	2%
Other product area (e.g., security, facility management, administrative)	63%	6%	1%	17%
Training-not NJS/Other	4%	0%	2%	2%

Table 4-13. Distribution of hours across product and service areas (enlisted only): RLSO Midlant

RLSO Midlant enlisted table	Enlisted Admin Support	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen	LIMDU	Grand Total
Administrative Law (Ethics)			1.0	0.5	3.5	5.0
Administrative Law (Military Personnel Law)	10.5		7.0	3.0	2.5	23.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)			1.0		3.0	4.0
Admiralty					0.5	0.5
Claims				1.0		1.0
General Litigation				0.5	1.0	1.5
JAGMAN Investigations				16.5		16.5
Joint Matters				0.5		0.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)				11.0		11.0
Military Justice-Administrative Separations			4.0	77.0	2.5	83.5
Military Justice-Courts-martial	11.0	68.0	8.0	203.5	38.0	328.5
Military Justice-Investigations	1.0		5.5	18.0		24.5
Military Justice-Judiciary				0.5		0.5
Military Justice-NJP			1.0	44.5		45.5
Military Justice-Records			1.0	7.0		8.0
Other (legal services)	82.0		40.0	314.5	121.0	557.5
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)				2.0		2.0
Headquarters/Management/Program Analysis/Policy			4.5	1.0		5.5
Headquarters/Personnel/Pay/Travel			21.0	7.0	2.0	30.0
IT Systems and Support				2.5		2.5
(No Area)	1.5		5.5	29.5	1.5	38.0
Other (non-legal-related services)	12.5	5.5	47.5	184.0	33.5	283.0
Other product area (e.g., security, facility management, administrative)			7.0	12.0	8.5	27.5
Training-not NJS/Other		8.0	12.0	23.0	1.5	44.5
Grand Total	118.5	81.5	166.0	959.0	219.0	1,544.0

Table 4-14. Percentage distribution of hours across product and service areas (enlisted only): RLSO Midlant

RLSO Midlant enlisted table	Enlisted - Admin Support	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen	LIMDU
Administrative Law (Ethics)	0%	0%	1%	0%	2%
Administrative Law (Military Personnel Law)	9%	0%	4%	0%	1%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	0%	1%	0%	1%
Admiralty	0%	0%	0%	0%	0%
Claims	0%	0%	0%	0%	0%
General Litigation	0%	0%	0%	0%	0%
JAGMAN Investigations	0%	0%	0%	2%	0%
Joint Matters	0%	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%	1%	0%
Military Justice-Administrative Separations	0%	0%	2%	8%	1%
Military Justice-Courts-martial	9%	83%	5%	21%	17%
Military Justice-Investigations	1%	0%	3%	2%	0%
Military Justice-Judiciary	0%	0%	0%	0%	0%
Military Justice-NJP	0%	0%	1%	5%	0%
Military Justice-Records	0%	0%	1%	1%	0%
Other (legal services)	69%	0%	24%	33%	55%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	0%	0%	3%	0%	0%
Headquarters/Personnel/Pay/Travel	0%	0%	13%	1%	1%
IT Systems and Support	0%	0%	0%	0%	0%
(No Area)	1%	0%	3%	3%	1%
Other (non-legal-related services)	11%	7%	29%	19%	15%
Other product area (e.g., security, facility management, administrative)	0%	0%	4%	1%	4%
Training-not NJS/Other	0%	10%	7%	2%	1%

RLSO Midlant manpower requirements—FY08 to FY10

As shown earlier in Table 4-1, the overall response rate to the survey was very high for officers, with 25 out of 27 responding. The response rate was moderately high for civilians, with 15 of 24 responding, and for legalmen, with 18 of 26 responding. We had to correct

for the response rates of civilians by multiplying reported hours by 24/15, or 1.6, in order to estimate the workload for all the civilians in RLSO Midlant. For the same reason, we multiplied the reported hours of enlisted personnel by 26/18, or 1.44, to estimate the workload of all enlisted personnel. These calculations assume that those civilians and legalmen who responded were similar to those who did not respond.

Table 4-9 shows detailed information on the service areas in which the officers spent their time. Recall from the Data and Methodology section that we developed a series of rules for estimating the future workload based on either data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 11 trial counsel in RLSO Midlant who completed the diary spent 756.0 hours doing court-martial work (General Courts-Martial, GCMs). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 1,229.9 hours (1.66 x .98 x 756.0). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 1,676.4 hours of expected work (versus the 1,053 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO Midlant will require about 18 (versus the current 11) officer trial counsel; see Table 4-15. Applying the same logic in the post-2003 scenario yields Table 4-16, which has lower requirements. The requirement for trial counsel, for example, is 12.

We caveat these results by reiterating the fact that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future in spite of the fact that most trial counsel

have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO Midlant will need *at least* 18 trial counsel, an addition of 7 staff.

Manpower requirements for the enlisted and civilian components of RLSO Midlant are shown in Table 4-15 through 4-22. The same caveats apply for both enlisted and civilian groups, as they do to the officers. Note that, whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used both a 40-hour and a 45-hour workweek in defining the number of civilians. The 45-hour workweek for civilians is actually slightly higher than the federally mandated level of 40 hours per civilian, averaging 35 hours per week, which has been used in previous manpower studies.

Table 4-15. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

RLSO Midlant	Administrative Officer	Executive	Paralegal (LDO)	SJA	Trial counsel	Total officer requirement	Difference from current
Total personnel required '08	1	1	1	13	18	34	+7
Total personnel required '09	1	1	1	13	18	34	+7
Total personnel required '10	1	1	1	13	18	34	+7

Table 4-16. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

RLSO Midlant	Administrative Officer	Executive	Paralegal (LDO)	SJA	Trial counsel	Total officer requirement	Difference from current
Total personnel required '08	1	1	1	11	12	26	-1
Total personnel required '09	1	1	1	11	12	26	-1
Total personnel required '10	1	1	1	11	12	26	-1

Table 4-17. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

RLSO Midlant	Admin Support	Court reporter	Exec support	LIMDU	Legal-man	Total enlisted require-ment	Total cur-rent non-LIMDU on board	Difference from current non-LIMDU	Total cur-rent LIMDU on board	Difference from current LIMDU
Total personnel required '08	2	2	3	10	19	36	26	0	9	+1
Total personnel required '09	2	2	3	10	19	36	26	0	9	+1
Total personnel required '10	2	2	3	10	19	36	26	0	9	+1

Table 4-18. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

RLSO Midlant	Admin Support	Court reporter	Exec sup-port	LIMDU	Legal-man	Total enlisted require-ment	Total current non-LIMDU on board	Difference from current non-LIMDU	Total current LIMDU on board	Difference from current LIMDU
Total person-nel required '08	2	1	2	9	14	28	26	-7	9	0
Total person-nel required '09	2	1	2	9	14	28	26	-7	9	0
Total person-nel required '10	2	1	2	9	14	28	26	-7	9	0

Table 4-19. Civilian manpower requirements (pre-2003--higher) – FY08 to FY10

(40-hour workweek)

RLSO Midlant civilians (40-hr workweek)	Administrative Staff	Court reporter	Paralegal	Total future civilian requirement	Total current requirement	Difference from current
Total personnel required '08	5	8	15	28	24	+4
Total personnel required '09	5	8	15	28	24	+4
Total personnel required '10	5	8	15	28	24	+4

Table 4-20. Civilian manpower requirements (post-2003, lower) – FY08 to FY10

(40-hour workweek)

RLSO Midlant civilians (40-hr workweek)	Administrative Staff	Court reporter	Paralegal	Total future civilian requirement	Total current requirement	Difference from current
Total personnel required '08	5	5	11	21	24	-3
Total personnel required '09	5	5	11	21	24	-3
Total personnel required '10	5	5	11	21	24	-3

Table 4-21. Civilian manpower requirements (pre-2003-higher) – FY 08 to FY10

(45-hour workweek)

RLSO Midlant civilians (45-hr workweek)	Administrative Staff	Court reporter	Paralegal	Total future civilian requirement	Total current requirement	Difference from current
Total personnel required '08	4	7	13	24	24	0
Total personnel required '09	4	7	13	24	24	0
Total personnel required '10	4	7	13	24	24	0

Table 4-22. Civilian manpower requirements (post-2003, lower) – FY 08 to FY10 (45-hour workweek)

RLSO Midlant civilians (45-hr workweek)	Administrative staff	Court reporter	Paralegal	Total future civilian requirement	Total current requirement	Difference from current
Total personnel required '08	4	4	10	18	24	-6
Total personnel required '09	4	4	10	18	24	-6
Total personnel required '10	4	4	10	18	24	-6

We should note that, for the purpose of setting requirements, we have adjusted the hours personnel worked by using the seasonality data that respondents provided. Recall that the average hours worked in June was 47.0 hours per week, which was considerably more than the 45.5 hours average throughout the entire year. Therefore, we have multiplied hours worked by 45.5/47.0, or .968, when we computed workload requirements. We used this correction factor to approximate an average work month in the setting of requirements.

RLSO Midlant summary

In sum, the current manpower strength for officers at RLSO Midlant is 27, including two LDOs, most of which answered the work diary. However, 3 officers and 11 legalmen were IAs and were not involved with the work being done at these commands. Our calculations show that, on one hand, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, RLSO Midlant will require 26 officers (including LDOs) in FY 08, for a net change of 1. On the other hand, if the paradigm shifts back to the pre-2003 paradigm, the officer requirement increases to about 34, for a net change of +7.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm (post-2003 workload, which is lower) continues, the non-LIMDU enlisted requirement drops to about 19, from the current level of 26. This is a decrease of 7 enlisted personnel. For the pre-2003 scenario, which has higher workload, the non-LIMDU enlisted requirement is 26, which equals

the number of personnel currently at RLSO Midlant. We also attempted to estimate the requirements for LIMDUs, but this estimate should be taken with a grain of salt. Clearly, LIMDUs are an important labor source for RLSO Midlant, but it is unclear whether we should refer to the 9 LIMDUs needed as a requirement.

Using an assumption of a 40-hour workweek, the civilian requirement for lower, post-2003 workload is 21 personnel versus the current 24—a decrease of 3. This requirement assumes a 40-hour workweek. This rises to 28 personnel under the pre-2003 scenario—a number that is 4 more than the number of civilians currently working at RLSO Southwest.

If the civilian requirement were a 45-hour workweek, the results would change as follows. The civilian requirement for lower, post-2003 workload is 18 personnel versus the current 24—a decrease of 6 civilian personnel from the current 24. The civilian requirement for the higher, pre-2003 workload is 24 personnel, which equals the number of enlisted personnel currently assigned to RLSO Midlant.

Discussion. The commanding officer of RLSO Midlant has reviewed the sponsor review version of this chapter on RLSO Midlant. Although the CO was not at RLSO Midlant during the survey, he had the following comments on these analyses:

1. The CO believed that RLSO Midlant could not have an average workweek so much lower than RLSO NDW

2. He was not satisfied with the methodology, saying that inefficient commands could be rewarded using this methodology

3. He felt that these analyses should be considered in light of the fact that “”the RLSO and NLSOs are the primary intake for the JAGC. One of our primary missions is to professionally develop these officers to serve in the Navy JAGC into the future. Our numbers should and will be higher than any workload study may indicate because young officers have to cut their teeth someplace.”

Our responses to these comments are as follows:

1. First, the average workweek at RLSO Midlant is not as high as it was at NLSO NDW partly because one is a small command (RLSO NDW) and the other is a much larger command (RLSO Midlant). There were 5 officer respondents at RLSO NDW, but 25 officers who responded from RLSO Midlant. The average workweeks at small commands are likely to take on extreme values due to one or a small number of individuals who work very long hours—this is what happened at RLSO NDW. Second, our findings show that several officers at RLSO Midlant do work very long hours; we agree with the Commanding Officer's contention that some people are working nights and weekends at RLSO Midlant. That is why our requirements for officers reflected a plus up of 6 officers in the pre-2003 scenario, and a cut of 1 officer under the post-2003 scenario. Given that the requirements represent floors, these requirements support the current number of officers at RLSO Midlant.

2. We doubt that some commands are working long hours because of inefficiency. The billable hour is the standard for workload in the private sector, and the partner in a law firm with the highest number of hours is not chastised for being inefficient. Furthermore, there are incentives to be as efficient as possible—time to spend with family, friends, or outside activities, for example.

3. The CO is correct in saying that the JAG Corps needs to have a place to put its young officers. However, we think it is debatable whether RLSO and NLSO requirements should be set on the basis of training needs. Some people could argue that other types of billets (e.g., embedded SJAs, law clerks, appellate counsel) could serve the same purpose of training young JAG Corps lawyers.

RLSO Naval District Washington (NDW)

Count of survey respondents

The analysis for RLSO NDW covers the main RLSO office in Washington, DC, as well as Branch Office Pax River.

Overall, the response rate for the workload survey was high—particularly considering that RLSO NDW had 1 legalmen and 1 officer on IAs at the time of the survey, according to numbers supplied to us from Code 63. As you can see from Table 4-23, there were 1 civilian, 2 legalmen, and 5 officers, for a total of 8 respondents. No LIMDU personnel identified themselves as working at RLSO NDW. The table also tells us that the 1 civilian who answered was a paralegal. The officers who answered were mostly SJAs (2), followed by trial counsel (2), and a commanding officer (1). Note that RLSO NDW had 1 officer and 1 legalman on an IA during the time of the survey. It also had two gapped billets: XO and Admin. Officer. All told, there was a sufficient response rate for describing the work being performed at RLSO NDW.

The table shows that, like other RLSO offices, all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals.

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

Table 4-23. RLSO NDW respondents

Primary functional area	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Grand Total
Civilian Paralegal	1			1
Enlisted-Legalman (or equivalent Marine)		1		1
Enlisted-Legalman Law/Legal Instructor		1		1
Executive (Director, CO, XO, Special Assistant)			1	1
Staff Judge Advocate (SJA) & Command Services			2	2
Trial Counsel - Government			2	2
Grand Total	**1**	**2**	**5**	**8**
Actual RLSO total	**4**	**4**	**6**	**14**

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick or in some other capacity that prevented them from doing actual RLSO-related work. Thus, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the amount of days in which a respondent entered time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-24. As can be seen, this adjustment affected only the civilian in the study. The enlisted and officers worked, on average, more than 10 days during the 2-week study period, and we do not adjust hours downward if someone worked more than 10 days.

Table 4-24. RLSO Naval District Washington average hours worked by employment status

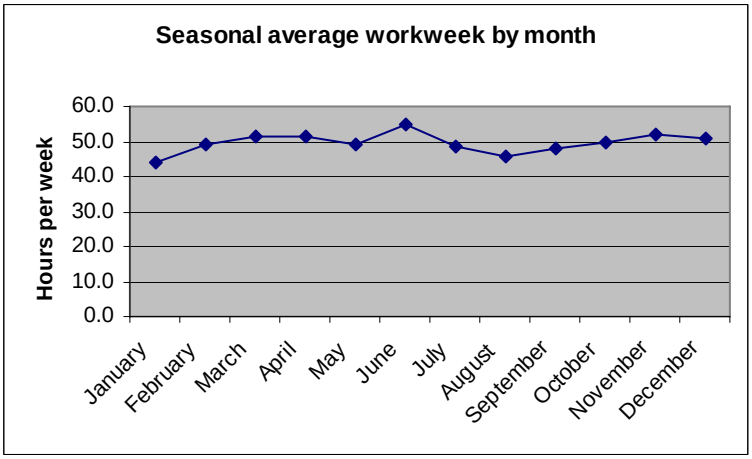
Current employment status	Total hours	Total personnel reporting	Average workweek	Average days worked	Average workweek (adjusted)
Civilian	71.5	1	35.8	9.0	39.7
Enlisted (including active duty or reserve)	177.0	2	44.3	11.0	44.3
Officer (including active duty or reserve)	592.0	5	59.2	11.2	59.2
Grand Total	840.5	8	52.5	10.9	52.5

As table 4-24 shows, the officers had the longest workweek, both before (59.2 hours average) and after we made adjustments. They were followed by the two legalmen (44.3 hours on average) and the civilian, who worked 35.8 hours per week, which we adjusted to 39.7 hours per week. The hours for the officers are very high—among the highest we have seen among the RLSOs.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 4-3 shows that there is relatively little seasonality except for a low point in August and a high point in June. Since the work diary was conducted in a month of seasonally high work hours, we will need to adjust hours downward when we consider personnel requirements for this office. The adjustment factor takes into account the fact that the average for June was 55.0 hours per week, but the yearly average workweek is 49.6 hours. So, we will multiply hours by 49.6/55.0, or .903, when we figure personnel requirements, as we will explain later in this chapter.

Figure 4-3. Seasonal workweek by month: RLSO NDW



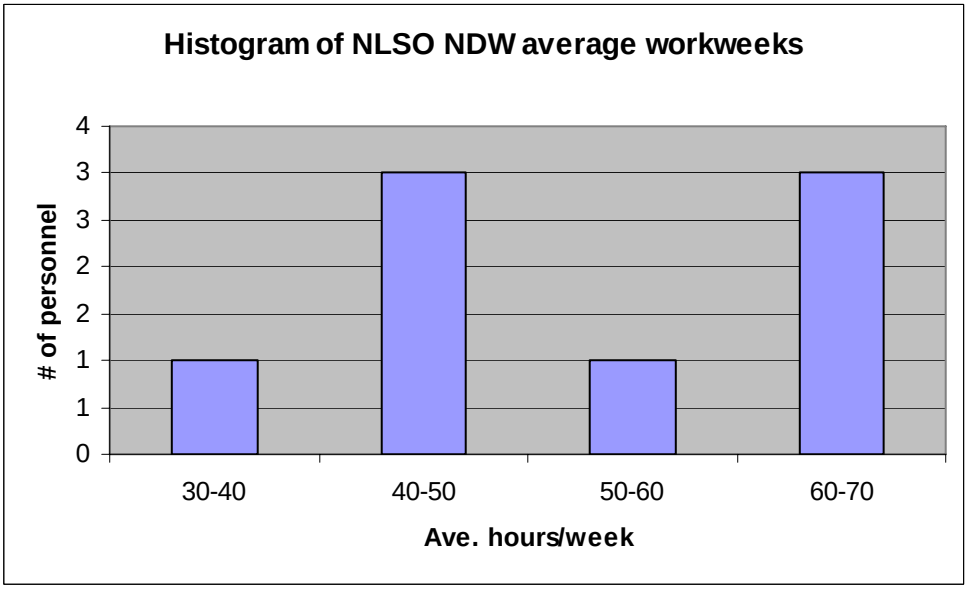
Employees who work over 50 hours per week

The unadjusted average workweek for RLSO NDW was 54.8 hours—a very high average. As mentioned earlier, this included those

respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. To compensate, we adjusted some respondents' workweeks up.

Figure 4-4 offers a more complete picture of hours worked per employee. It shows that 3 of the 8 respondents worked an average of 60 to 70 hours during the 2-week survey, 1 worked an average of 50 to 60 hours per week, and 3 worked an average of 40 to 50 hours per week. The most common workweeks fell in the range of 40 to 50 hours or 60 to 70 hours, which suggests a very hard-working group. From these data, we conclude that the staff is somewhat stressed due to the current workload, and some officers are, indeed, working very long hours. Only 1 respondent averaged less than 40 hours a week—and that person's workweek was 39.7 hours after adjustment.

Figure 4-4. Total unadjusted hours worked during 2-week reporting period (n=8): RLSO NDW



Indicators that the workforce is cross-tasked too much

Table 4-25 through 4-28 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel

in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-25 that, of the total hours worked during the 2-week diary, 76.9 percent (455.5/592.0) of them are related to legal tasks. The category of executive and executive support tasks was the second most prevalent duty (68.0 hours, 11.5 percent), followed by other (33.5 hours, 5.7 percent). These two areas accounted for the next largest percentages of officers' time. This indicates that the officers spend most of their time doing legal work, although a small amount of their time is spent doing executive or some ancillary work. Trial counsel spent the largest percentage of their time doing legal tasks (202.0 hours, 91 percent). We also note that SJAs/command services spent more time on legal tasks (227.0 hours, 89 percent) than any other single category of task. Executive officers (CO, XO, etc.) spent more of their time on executive tasks (63.0 hours, 55 percent) than on legal or administrative tasks (which required 23 and 13 percent of the executives' time, respectively). As a group, these officers spent very little time as a resource manager, with 2 hours, or 2 percent, of the total time worked. The executive officers (CO, XO, etc.) spent no time in training, travel, or acting as an instructor during the 2-week diary period. In summary, it appears that officers are generally working on the correct types of tasks.

The civilians (paralegals, see Table 4-27) spend most of the time doing legal tasks (64 percent), followed by administrative duties (27 percent), other (6 percent), and training (3 percent). These percentages seem within a reasonable range, although some people might argue that paralegals should spend less than 27 percent of work time doing administrative duties.

The two legalmen at RLSO NDW who filled out the work diary spend most of their time performing legal tasks (40 and 53 percent, respectively, for instructors and legalmen). The enlisted instructor

spent a considerable amount of time performing other tasks (30 percent) and administrative tasks (20 percent of work time). The legalmen also spent a considerable amount of time performing administrative tasks (21 percent) or other tasks (15 percent).

Table 4-25. Distribution of hours by task (officers only): RLSO NDW

RLSO NDW officers	Admin	Exec/ Exec Support	Instruc-tor	Legal	Other	Re-source Mgmt	Train-ing	Travel	Grand Total
Executive	15.0	63.0		26.5	8.0	2.0			114.5
SJA	12.0	4.0	0.5	227.0	12.0				255.5
Trial Counsel	2.5	1.0		202.0	13.5		1.0	2.0	222.0
Grand Total	29.5	68.0	0.5	455.5	33.5	2.0	1.0	2.0	592.0

Table 4-26. Percentage distribution of hours by task (officers only): RLSO NDW

RLSO NDW officers	Admin	Executive/ Executive Support	Instructor	Legal	Other	Resource Mgmt	Training	Travel
Executive	13%	55%	0%	23%	7%	2%	0%	0%
SJA	5%	2%	0%	89%	5%	0%	0%	0%
Trial Counsel	1%	0%	0%	91%	6%	0%	0%	1%

Table 4-27. Distribution of hours by task (civilian only): RLSO NDW

RLSO NDW civilians	Admin	Legal	Other	Training	Grand Total
Civilian	19.0	46.0	4.0	2.5	71.5
%	27%	64%	6%	3%	
Total hours	19.0	46.0	4.0	2.5	71.5

Table 4-28. Percentage distribution of hours by task (enlisted only): RLSO NDW

RLSO NDW enlisted	Admin	Instructor	Legal	Other	Tax	Training	Travel	Grand Total
Enlisted - Instructor	16.0	6.5	32.5	24.5	0.0	1.0	0.0	80.5
	20%	8%	40%	30%	0%	1%	0%	
Enlisted - Legalmen	20.0	4.0	51.5	14.0	1.0	2.0	4.0	96.5
	21%	4%	53%	15%	1%	2%	4%	
Grand Total	36.0	10.5	84.0	38.5	1.0	3.0	4.0	177.0
	20%	6%	47%	22%	1%	2%	2%	

Direct versus indirect hours worked

Table 4-29 through 4-33 show what work product areas were responsible for the total level of effort during the 2-week survey period. We divide the work product areas into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables that follow, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that support the JAG community. This could also be considered overhead. In the tables, these outputs are shaded in grey and generally refer to such work as budget services and human resource services. These are essential functions, but they are not direct labor hours.

Officers spent 520.5 hours (about 88 percent of their total time) providing some type of legal service. Trial counsel, not surprisingly, spent almost all of their time working on a single type of legal service: military justice, courts-martial. It is interesting that the SJAs also provided mostly legal services—87 percent. The difference was that SJAs provided a much larger variety of types of legal services than did the trial counsel. SJAs spent considerable percentages of time in such areas as military justice, investigations (30.5 hours, 11.9 percent); admin law, military personnel (24.5 hours, 9.6 percent), other legal services (20.5 hours, 8.0 percent); and administrative law, ethics (12.5 hours, 4.9 percent).

The Executive Officer (Director, CO, XO, etc.) worked a plurality of hours on courts-martial (23.0 hours, 20 percent) or other legal services (22.0, 19 percent). Headquarters management (10 percent) and military personnel (mil pers) law (10 percent) were other large areas of activity. Civilians who entered data spent 98 percent of their time performing legal services. Enlisted personnel spent most of their time on legal services.

In sum, when looking at how the RLSO personnel spend their time, the largest product areas are military justice—courts-martial, admin law (ethics), admin law (mil pers), other legal services, and investigations. Trial counsel concentrated more on courts-martial, but SJAs spend more time on a variety of legal services. Civilians spend

more time on admin law and less on courts-martial, whereas enlisted personnel spend a large share of their time supporting courts-martial or other legal services.

Table 4-29. Distribution of hours across product and service areas (officers only): RLSO NDW

RLSO NDW officer table	Executive	SJA	Trial Counsel	Grand Total
Administrative Law (Ethics)	5.0	12.5		17.5
Administrative Law (Military Personnel Law)	11.5	24.5		36.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	5.0	4.0		9.0
JAGMAN Investigations		7.0		7.0
Legal Assistance (e.g., immigration, wills)		0.5		0.5
Military Justice-Administrative Separations		3.0		3.0
Military Justice-Courts-martial	23.0	111.5	216.5	351.0
Military Justice-Investigations	11.0	30.5		41.5
Military Justice-NJP		6.0		6.0
Other (legal services)	22.0	20.5		42.5
Public Affairs	3.0			3.0
Training-NJS	1.0			1.0
Training-not NJS/Other		2.5		2.5
Budget/Fiscal/Comptroller/Acquisitions		1.5		1.5
Headquarters/Management/Program Analysis/Policy	12.0	2.5		14.5
Headquarters/Personnel/Pay/Travel	10.5			10.5
Other (non-legal-related services)	3.0	21.5	5.5	30.0
Other product area (e.g., security, facility management, administrative)	7.5	7.5		15.0
Grand Total	114.5	255.5	222.0	592.0

Table 4-30. Percentage distribution of hours across product and service areas (officers only): RLSO NDW

RLSO NDW officer table	Executive	SJA	Trial Counsel
Administrative Law (Ethics)	4%	5%	0%
Administrative Law (Military Personnel Law)	10%	10%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	4%	2%	0%
JAGMAN Investigations	0%	3%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%
Military Justice-Administrative Separations	0%	1%	0%
Military Justice-Courts-martial	20%	44%	98%
Military Justice-Investigations	10%	12%	0%
Military Justice-NJP	0%	2%	0%
Other (legal services)	19%	8%	0%
Public Affairs	3%	0%	0%
Training-NJS	1%	0%	0%
Training-not NJS/Other	0%	1%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	1%	0%
Headquarters/Management/Program Analysis/Policy	10%	1%	0%
Headquarters/Personnel/Pay/Travel	9%	0%	0%
Other (non-legal-related services)	3%	8%	2%
Other product area (e.g., security, facility management, administrative)	7%	3%	0%

Table 4-31. Distribution of hours and percentage across product and service areas (civilians only): RLSO NDW

RLSO NDW--civilians product areas and services	Paralegal	Percentage
Administrative Law (Military Personnel Law)	0.5	1%
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA, etc)	37.0	52%
Military Justice-Courts-martial	16.0	22%
Military Justice-Investigations	4.5	6%
Military Justice-NJP	2.5	3%
Other (legal services)	9.0	13%
Other (non-legal-related services)	1.0	1%
Other product area (e.g., security, facility management, administrative)	1.0	1%
Total hours	71.5	100%

Table 4-32. Distribution of hours across product and service areas (enlisted only): RLSO NDW

RLSO NDW Enlisted table--product areas and services	Enlisted - Instructor	Enlisted - Legalmen	Total hours
Administrative Law (Ethics)	0.0	2.0	2.0
Administrative Law (Military Personnel Law)	0.0	0.5	0.5
Administrative Law (Misc-prof resp, directive /instr review, FOIA/PA, etc)	0.0	1.0	1.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0.0	1.5	1.5
Legal Assistance-Taxes	0.0	1.0	1.0
Military Justice-Administrative Separations	4.5	37.5	42.0
Military Justice-Courts-martial	58.0	1.0	59.0
Military Justice-Investigations	4.0	1.0	5.0
Military Justice-NJP	3.5	5.0	8.5
Other (legal services)	0.0	27.0	27.0
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0.0	0.5	0.5
Other (non-legal-related services)	5.0	8.5	13.5
(No Area)	5.5	0.0	5.5
Other product area (e.g., security, facility management, administrative)	0.0	2.5	2.5
Training-not NJS/Other	0.0	7.5	7.5
Grand Total	80.5	96.5	177.0

Table 4-33. Percentage distribution of hours across product and service areas (enlisted only): RLSO NDW

RLSO NDW Enlisted table--product areas and services	Enlisted - Instructor	Enlisted - Legalmen	Total hours
Administrative Law (Ethics)	0%	2%	1%
Administrative Law (Military Personnel Law)	0%	1%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	1%	1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	2%	1%
Legal Assistance-Taxes	0%	1%	1%
Military Justice-Administrative Separations	6%	39%	24%
Military Justice-Courts-martial	72%	1%	33%
Military Justice-Investigations	5%	1%	3%
Military Justice-NJP	4%	5%	5%
Other (legal services)	0%	28%	15%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	1%	0%
Other (non-legal-related services)	6%	9%	8%
(No Area)	7%	0%	3%
Other product area (e.g., security, facility management, administrative)	0%	3%	1%
Training-not NJS/Other	0%	8%	4%

RLSO NDW manpower requirements—FY08 to FY10

As shown earlier in Table 4-23, the overall response rate to the survey was high for officers, with all of them responding. The response rate was lower for civilians (1 out of 4 responding) and for enlisted (2 out of 4 responding). We had to correct for the response rates of civilians by multiplying reported hours by 4 in order to estimate the workload for all the civilians in RLSO NDW. For the same reason, we multiplied the reported hours of enlisted personnel by 2 to estimate the workload of all enlisted personnel. These calculations assume that those civilians and legalmen who responded were similar to those who did not respond.

Table 4-23 shows detailed information on the service areas in which the officers spent their time. Recall from the Data and Methodology section that we developed a series of rules for estimating the future workload based on either data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In

the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 2 trial counsel in RLSO NDW who completed the diary spent 216.5 hours doing court-martial work (General Courts-Martial, GCMs). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher, but this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 350.8 hours (1.66 x .976 x 216.5). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 356.3 hours of expected work (versus the 222.0 hours recorded in the diary). This number is adjusted for seasonality by multiplying by .919, resulting in 327.41 hours. Dividing this by 90 hours (using a standard of a 50-hour workweek) results in a requirement of 3.64 trial counsel, which we round up to 4 trial counsel. Applying the same logic in the low case (or post-2003) scenario) yields the officer manpower requirements shown in Table 4-34 and Table 4-35.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future in spite of the fact that most trial counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO NDW will need *at least* 4 trial counsel.

Manpower requirements for the enlisted and civilian components of RLSO NDW are shown in Table 4-36 through Table 4-39. The same caveats apply to both enlisted and civilian groups as they do to the officers. Note that, whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used a 40-hour workweek in defining the number of civilians. (However, it would have made no difference if we had used a 45-hour workweek; the personnel requirements would have been the same as those shown in Table 4-38 and Table 4-39.)

Table 4-34. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

RLSO NDW	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current (6)
Total personnel required '08	2	4	4	10	+4
Total personnel required '09	2	4	4	10	+4
Total personnel required '10	2	4	4	10	+4

Table 4-35. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

RLSO NDW	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current
Total personnel required '08	1	3	2	6	0
Total personnel required '09	1	3	2	6	0
Total personnel required '10	1	3	2	6	0

Table 4-36. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

RLSO NDW	Enlisted--instructor	Legalman	Total enlisted requirement	Difference from current
Total personnel required '08	2	2	4	0
Total personnel required '09	2	2	4	0
Total personnel required '10	2	2	4	0

Table 4-37. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

RLSO NDW	Enlisted--instructor	Legalman	Total enlisted requirement	Difference from current
Total personnel required '08	1	1	2	-2
Total personnel required '09	1	1	2	-2
Total personnel required '10	1	1	2	-2

Table 4-38. Civilian manpower requirements (pre-2003—higher) – FY08 to FY10

RLSO NDW	Total civilian requirement	Difference from current
Total personnel required '08	4	0
Total personnel required '09	4	0
Total personnel required '10	4	0

Table 4-39. Civilian manpower requirements (post-2003) – FY08 to FY10

RLSO NDW	Total civilian requirement	Difference from current
Total personnel required '08	3	-1
Total personnel required '09	3	-1
Total personnel required '10	3	-1

RLSO NDW summary

On one hand, the current manpower strength for officers at RLSO NDW was 6 in June 2007. On the other hand, 1 officer and 1 enlisted legalman were IAs and were not involved with the work being done at these commands. Our calculations show that, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, RLSO NDW will require 6 officers for a net change of 0 officers (no net change). If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 10 for a net change of 4 additional officers.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm (post-2003 workload, which is lower) continues, the enlisted requirement drops to 2 legalmen. This is 2 fewer than the current number of enlisted. For the pre-2003 scenario, which has higher workload, the enlisted requirement is 4, which equals the current number of personnel. The civilian requirement for lower, post-2003 workload is 3 personnel versus the current 4 (a reduction of 1 person). This rises to 4 civilian personnel under the pre-2003 scenario; this number is the same as the number of civilian personnel who are currently at RLSO NDW.

RLSO Midwest (MW)

Current personnel count

The analysis for RLSO MW covers the main RLSO offices in Great Lakes and Millington. Table 4-40 shows the number of respondents.

Overall, the response rate for the workload survey was extremely high. From Table 4-40, we note that approximately 94 percent of all the RLSO personnel at all offices completed at least 1 day of the workload diary. Even the lowest response rate, for enlisted (non-LIMDUs), was excellent—at 83 percent. Furthermore, the two who did not respond to the survey are listed as IAs and were not able to complete the survey. The officers and civilians are well represented in the sample with 100-percent participation rates each. Note also that the RLSO MW offices have no LIMDU personnel.

Table 4-40. RLSO MW respondents

Primary Functional Area	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)
Administrative Officer-Manager	1		
Civilian Paralegal	4		
Clerical-Administrative	3		
Enlisted-Legalman (or equivalent Marine)		10	
Executive (Director, CO, XO, Special Assistant)			2
HQ Code/Other Attorney			1
Legal Admin Assistant	2		
Staff Judge Advocate (SJA) & Command Services			5
Trial Counsel - Government			1
Grand Total	***10***	***10***	***9***
Actual RLSO Total	***10***	***12***	***9***

Note that civilians and officers are largely legal professionals. All of the enlisted are legalmen. We note that RLSO MW has billets for 18 enlisted personnel, but that the NLSC dashboard lists 12 enlisted personnel at RLSO MW in June 2007 (the month we collected data). The table for RLSO MW (table 4-40) reflects the NLSC

dashboard numbers for personnel on board. If OJAG wants to recompute RLSO MW requirements based on billets, it can do so using the methodology illustrated in appendix A and appendix B. The RLSOs have a minimal administrative staff and no personnel working in other overhead positions (IT, resource management, human resources, etc.).

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce and a backlog of work may be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-41. As it turns out, the average RLSO MW enlisted and officer respondents worked 10 days or more, so only the civilian average workweek required adjustment. The enlisted and officers average hours required no adjustment.

Table 4-41. RLSO MW average hours worked by employment status

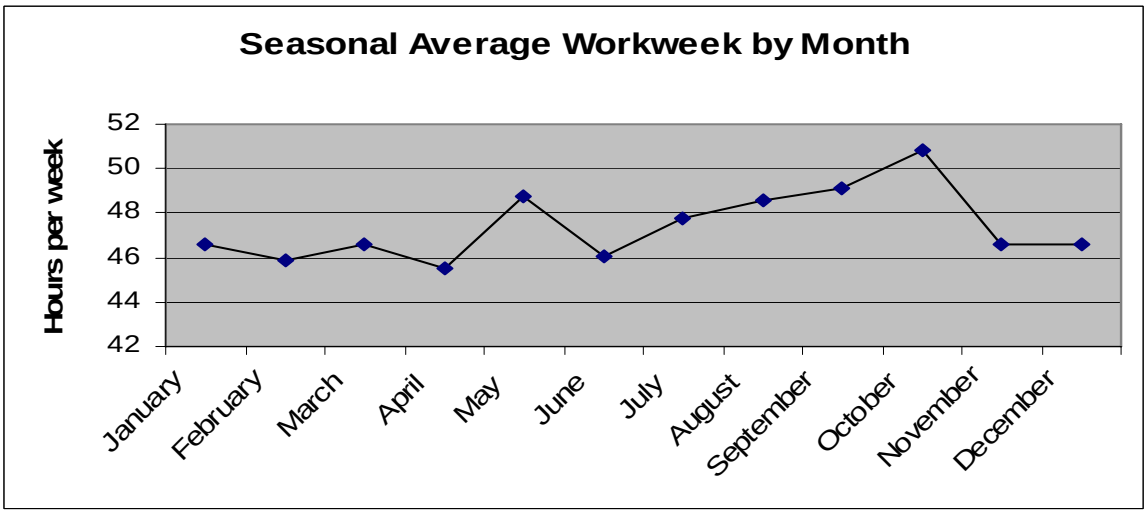
Current Employment Status	Total Hours	Total Personnel Reporting	Average Workweek	Average Days Worked	Average Workweek (Adjusted)
Civilian	774.5	10	38.7	9.6	40.3
Enlisted (including active duty or reserve)	921	10	46.1	10.2	46.1
Officer (including active duty or reserve)	904	9	50.2	10.7	50.2
Grand Total	2599.5	29	44.8	10.1	44.8

As we can see, the officers had the longest workweek—50 plus hours per week. They were followed by the enlisted and civilian personnel.

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 4-5 shows a trend upward from July to October, followed by a decline in November and December that lasts through the spring. Our 2-week data collection period represents a little more than 1 hour less than the entire yearly average. Thus, we conclude that our survey data are slightly underrepresentative of an average month. We corrected for this in our estimates of personnel requirements (to be shown later in this chapter) by increasing the reported hours by 3 percent, to make them proportionate to the yearly average workweek.

Figure 4-5. RLSO MW average hours worked by employment status

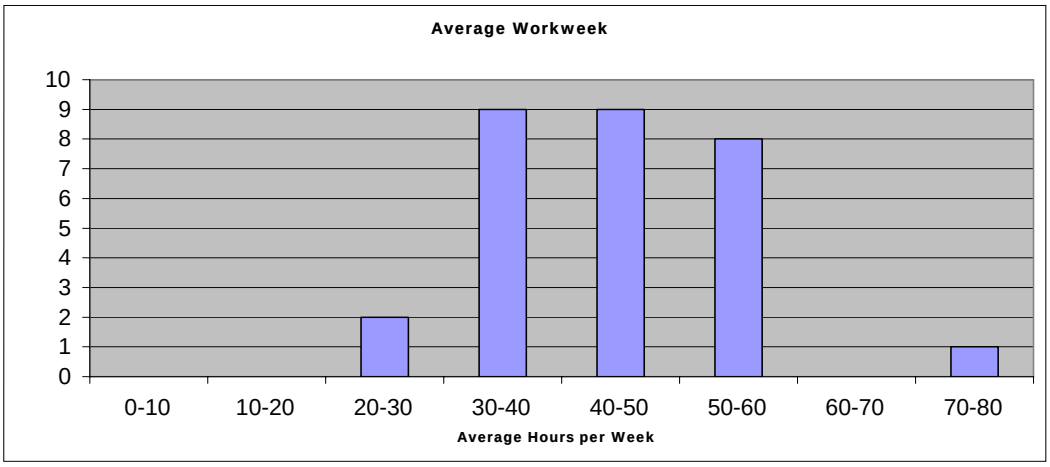


Employees who work over 50 hours per week

The unadjusted average workweek for the RLSO was 44.8 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. Figure 4-6 offers a more complete picture of hours worked per employee.

As Figure 4-6 shows, 18 employees (or 62 percent of the workforce) worked 40 plus hours per week during the survey. In comparison, 38 percent of the staff worked less than 40 hours per week. Further, approximately 31 percent of the workforce (i.e., 9 employees) actually worked over 50 hours on a weekly basis. Four of the 9 were officers. Three of the 4 officers reported their primary functional areas as either SJA or attorney. One civilian working in an administrative position, and 4 enlisted legalmen also had workweeks in excess of 50 hours. From these data, we conclude that the entire command staff (and the officers in particular, with a 50 plus workweek) is somewhat stressed due to the current workload.

Figure 4-6. Total unadjusted hours worked during the 2-week reporting period (n = 29)



Indicators that the workforce is cross-tasked too much

Table 4-42 through Table 4-47 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases in which more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-42 that, of the total hours worked during the 2-week diary, about 38 percent (346.5/904.0) were related to legal tasks. Other (21 percent), Executive Support (12 percent), Human Resources (10 percent), and Admin (10 percent) were four tasks that also accounted for a significant amount of worker time. This indicates that the officers spend a great deal of their time either in command activities or doing some other ancillary work. The rest of the functional area tasks accounted individually for small shares of the overall hours.

The civilian community is much more focused on primary functional areas than are the officers, spending much less time doing other ancillary military duties and very little time receiving training. Administrative staff and paralegal staff spent 1 percent (or less) of their time in training. "Other" accounted for 6 percent of the administrative staff's time and 12 percent of the paralegals' time. On the other hand, the paralegals spend a great deal of their time doing administrative tasks. For example, civilian paralegals spent 40 percent of their time doing administrative tasks.

The legalmen, like the officers, spent much time (31 percent) doing Other tasks. The plurality of their time was spent on legal tasks. The rest of their time was spent on such tasks as admin (10 percent), instructor (6 percent), training (4 percent), and executive support (3 percent).

In sum, all personnel spent some time doing work outside their legal specialties. This is especially true for the officers and enlisted. However, we do not conclude that this implies the need for more administrative personnel. Rather, it is probably the case that the positions in a RLSO naturally require that a certain amount of time be spent doing tasks outside one's specialty.

Table 4-42. Distribution of hours by task (officers only)

RLSO MW Officer Table	Admin	Exec/ Exec Support	Human Res	Instruc-tor	Legal	Other	Res Mgmt	Secu-rity	Train-ing	Travel	Grand Total
Executive	28.5	91		3	44.5	33.5	2	1	4.5		208
HQ Attorney			94.5			38.5			13.5	4.5	151
SJA	47	13.5		2.5	264	102.5			31.5	5	466
Trial Counsel	12.5	1		1.5	38	14			12		79
Total Hours	88	105.5	94.5	7	346.5	188.5	2	1	61.5	9.5	904

Table 4-43. Percentage distribution of hours by task (officers only)

RLSO MW Officer Table	Admin	Exec/ Exec Sup-port	Hu-man Res	Instruc-tor	Le-gal	Other	Res Mgmt	Secu-rity	Train-ing	Travel
Executive	14%	44%	0%	1%	**21%**	**16%**	1%	0%	2%	0%
HQ Attorney	0%	0%	**63%**	0%	0%	**25%**	0%	0%	9%	3%
SJA	10%	3%	0%	1%	57%	**22%**	0%	0%	7%	1%
Trial Counsel	**16%**	1%	0%	2%	48%	**18%**	0%	0%	**15%**	0%

Table 4-44. Distribution of hours by task (civilians only

RLSO MW Civil-ian Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hu-man Res	In-struc -tor	IT	Legal	Mgmt Plans Man-power	Other	Res Mgmt	Train-ing	Travel	Grand Total
Admin	118.5	38	9.5	20	2	4.5	78	2.5	19	21.5	1	13	327.5
Para-legal	178.5	4			20.5		187		54.5		2.5		447
Civil-ian Total	297	42	9.5	20	22.5	4.5	265	2.5	73.5	21.5	3.5	13	774.5
Total Hours	297	42	9.5	20	22.5	4.5	265	2.5	73.5	21.5	3.5	13	774.5

Table 4-45. Percentage distribution of hours by task (civilians only)

RLSO MW Civilian Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hu-man Res	Instruc-tor	IT	Legal	Mgmt Plans Man-power	Other	Res Mgmt	Train-ing	Travel
Admin	36%	12%	3%	6%	1%	1%	**24%**	1%	6%	7%	0%	4%
Para-legal	**40%**	1%	0%	0%	5%	0%	42%	0%	12%	0%	1%	0%

Table 4-46. Distribution of hours by task (enlisted only

RLSO MW Enlisted Table	Ad-min	Exec/ Exec Sup-port	Facility	Hu-man Res	Instruc-tor	Legal	Other	Secu-rity	Train-ing	Travel	Grand Total
Enlisted - Legal-man Total	96.5	23.5	4.5	2.5	58	415.5	282	1.5	36	1	921

Table 4-47. Percentage distribution of hours by task (enlisted only

RLSO MW Enlisted Table	Admin	Exec/ Exec Sup-port	Facility	Hu-man Res	Instruc-tor	Legal	Other	Secu-rity	Train-ing	Travel
Enlisted – Legal-man Total	10%	3%	0%	0%	6%	45%	**31%**	0%	4%	0%

Direct versus indirect hours worked

Table 4-48 through Table 4-53 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the following tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In tables 4-48 through 4-53, they are shaded in grey and generally refer to such work output as budget services, human resource services, and so on.

Officers spent 566.5 hours (or about 63 percent of their total time) providing some type of legal service. Trial counsels spent about half their time working on military-justice-related issues. The SJAs provided a much larger variety of legal services. Civilian personnel spent 534.5 hours (or 69 percent of their total time) on legal services with a great portion of that number devoted to military justice admin separations and other legal activities. Enlisted personnel spent 752.5 hours (or 82 percent of their total time) on legal services, most of which were involved with military justice.

In sum, when looking at how the RLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that the officers spend more time doing a greater variety of non-legal tasks. This may be due to the nature of being an officer and generally having more command and executive responsibilities in addition to purely legal duties. SJAs, headquarters attorneys, and executive officers (Director, CO, XO, etc.) tend to have a wider variety of non-legal duties than do trial counsel. Trial counsel are very focused, with 42 percent of their time going toward courts-martial. Training also seems to take a larger share of officers' time than it does for civilians and enlisted.

The enlisted and civilian personnel, however, are more focused on supporting roles under the legal or executive leadership of the officers. Officers are more likely to be assigning tasks to enlisted personnel. Legalmen spend a very large percentage of their time (47 percent) on military justice administrative separations.

The types of civilians at RLSO MW (administrative and paralegal personnel) are specialists in their particular roles. Because they are specialists, they might less often need training to develop new skills. It is interesting to note that the civilian paralegal personnel spend a large amount of their time (30 percent) on JAGMAN investigations and another large percentage on headquarters, personnel, pay, and travel (27 percent). Civilian administrative personnel, by contrast, spend the largest portion of their time in other non-legal-related services (32 percent) and supporting courts-martial (20 percent).

Table 4-48. Distribution of hours across product and service areas (officers only)

RLSO MW Officers Table	Executive	HQ Attorney	SJA	Trial Counsel	Total Hours
Administrative Law (Ethics)	13.5		9		22.5
Administrative Law (Military Personnel Law)	16		2.5		18.5
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA, etc.)	1.5		4.5		6
Environmental Law (Installation)	2				2
General Litigation			19		19
International & Operational Law	0.5	13.5			14
JAGMAN Investigations			5		5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	1		4.5		5.5
Military Justice-Administrative Separations	2.5		81	0.5	84
Military Justice-Courts-martial	14.5		37	33.5	85
Military Justice-Investigations	4.5		13	6.5	24
Military Justice-NJP	4.5		54		58.5
Military Justice-Records			0.5		0.5
Naval Justice School (NJS)	2				2
Other (legal services)	25.5		117.5	12	155
Public Affairs	0.5		2		2.5
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)			1.5		1.5
Training-NJS	5				5
Training-not NJS/Other	21		23	12	56
No Area Identified	0.5		6.5	1.5	8.5
Budget/Fiscal/Comptroller/Acquisitions			4		4
Headquarters/Management/Program Analysis/ Policy	17.5		4.5		22
Headquarters/Personnel/Pay/Travel	12	117.5			129.5
Other (non-legal-related services)	39.5	20	42	11.5	113
Other product area (e.g., security, facility management, administrative)	24		35	1.5	60.5
Grand Total	***208***	***151***	***466***	***79***	***904***

Table 4-49. Percentage distribution of hours across product and service areas (officers only)

RLSO MW Officer Table	Executive	HQ Attorney	SJA	Trial Counsel
Administrative Law (Ethics)	6%	0%	2%	0%
Administrative Law (Military Personnel Law)	8%	0%	1%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	1%	0%	1%	0%
Environmental Law (Installation)	1%	0%	0%	0%
General Litigation	0%	0%	4%	0%
International & Operational Law	0%	9%	0%	0%
JAGMAN Investigations	0%	0%	1%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	1%	0%
Military Justice-Administrative Separations	1%	0%	17%	1%
Military Justice-Courts-martial	7%	0%	8%	42%
Military Justice-Investigations	2%	0%	3%	8%
Military Justice-NJP	2%	0%	12%	0%
Military Justice-Records	0%	0%	0%	0%
Naval Justice School (NJS)	1%	0%	0%	0%
Other (legal services)	12%	0%	25%	15%
Public Affairs	0%	0%	0%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%
Training-NJS	2%	0%	0%	0%
Training-not NJS/Other	10%	0%	5%	15%
No Area Identified	0%	0%	1%	2%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	1%	0%
Headquarters/Management/Program Analysis/Policy	8%	0%	1%	0%
Headquarters/Personnel/Pay/Travel	6%	78%	0%	0%
Other (non-legal-related services)	19%	13%	9%	15%
Other product area (e.g., security, facility management, administrative)	12%	0%	8%	2%

Table 4-50. Distribution of hours across product and service areas (civilians only)

RLSO MW Civilian Table	Administrative	Paralegal	Total Hours
Administrative Law (Ethics)		21	21
Administrative Law (Military Personnel Law)		4	4
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	17	25.5	42.5
Military Justice-Administrative Separations		138.5	138.5
Military Justice-Courts-martial	64.5	6	70.5
Military Justice-Investigations	32	1	33
Military Justice-NJP		31.5	31.5
Training-NJS	2	1	3
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)		0.5	0.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	1	25	26
Claims		0.5	0.5
JAGMAN Investigations	1	19.5	20.5
Other (legal services)	19.5	121.5	141
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)		2	2
Budget/Fiscal/Comptroller/Acquisitions	1.5		1.5
Headquarters/Management/Program Analysis/Policy		24	24
Headquarters/Personnel/Pay/Travel	32.5		32.5
IT Systems and Support		2.5	2.5
Other (non-legal-related services)	103.5	11	114.5
Other product area (e.g., security, facility management, administrative)	50.5	4.5	55
Training-not NJS/Other	2.5	7.5	10
Grand Total	327.5	447	774.5

Table 4-51. Percentage distribution of hours across product and service areas (civilians only)

RLSO MW Civilian Table	Administrative	Paralegal
Administrative Law (Ethics)	0%	5%
Administrative Law (Military Personnel Law)	0%	1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	5%	6%
Military Justice-Administrative Separations	0%	0%
Military Justice-Courts-martial	20%	0%
Military Justice-Investigations	10%	5%
Military Justice-NJP	0%	0%
Training-NJS	1%	1%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	1%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	4%
Claims	0%	6%
JAGMAN Investigations	0%	31%
Other (legal services)	6%	1%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	7%
Headquarters/Management/Program Analysis/Policy	0%	0%
Headquarters/Personnel/Pay/Travel	10%	27%
IT Systems and Support	0%	2%
Other (non-legal-related services)	32%	0%
Other product area (e.g., security, facility management, administrative)	15%	0%
Training-not NJS/Other	1%	2%

Table 4-52. Distribution of hours across product and service areas (enlisted only)

RLSO MW Enlisted Table	Enlisted - Legalmen	Total Hours
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	3	3
Military Justice-Administrative Separations	436.5	436.5
Military Justice-Courts-martial	91.5	91.5
Military Justice-Investigations	2.5	2.5
Military Justice-NJP	94.5	94.5
Military Justice-Records	3	3
Other (legal services)	113.5	113.5
Public Affairs	8	8
No area Identified	2.5	2.5
Headquarters/Personnel/Pay/Travel	1.5	1.5
Other (non-legal-related services)	108.5	108.5
Other product area (e.g., security, facility management, administrative)	1	1
Training-not NJS/Other	55	55
Grand Total	921	921

Table 4-53. Percentage distribution of hours across product and service areas (enlisted only)

RLSO MW Enlisted Table	Enlisted - Legalmen
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%
Military Justice-Administrative Separations	47%
Military Justice-Courts-martial	10%
Military Justice-Investigations	0%
Military Justice-NJP	10%
Military Justice-Records	0%
Other (legal services)	12%
Public Affairs	1%
No area Identified	0%
Headquarters/Personnel/Pay/Travel	0%
Other (non-legal-related services)	12%
Other product area (e.g., security, facility management, administrative)	0%
Training-not NJS/Other	6%

RLSO MW manpower requirements – FY08 to FY10

As shown in Table 4-40, the overall response rate to the survey was very high, with 9 of 9 officers and 10 of 10 civilians completing the work diary. Enlisted participation was somewhat lower with 10 of 12 answering the work diary.

Table 4-48 showed detailed information on the service areas in which the officers spent their time. Recall from the Data and Methodology section that we developed a series of rules for estimating the future workload based on either data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the SJAs who completed the diary spent 37 hours doing GCM work. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 60.0 hours (1.66 x .98 x 37). Applying the appropriate rule for future workload to the other service areas gives us a total of 657.5 hours of expected work (versus the 466.0 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO MW will require about 7 (versus the current 5) SJAs—see Table 4-54 . Applying the same logic in the low case (or post-2003) scenario) yields the officer manpower requirements shown in Table 4-55.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by SJAs was assumed to be constant in the near future in spite of the fact that most SJAs have typically long workweeks and demand signals for SJAs are very high. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO MW will need *at*

least 13 officer personnel and possibly more since SJA workload is generally trending upward.

Manpower requirements for the enlisted and civilian components of RLSO MW are shown in Table 4-56 through 4-61. The same caveats apply since both groups do engage in some SJA-related work.

Table 4-54. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

RLSO MW officers	Executive	HQ attorney	SJA	Trial counsel	Total officer requirement	Difference from current (9)
Total personnel required '08	3	2	7	1	13	+4
Total personnel required '09	3	2	7	1	13	+4
Total personnel required '10	3	2	7	1	13	+4

Table 4-55. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

RLSO MW officers	Executive	HQ attorney	SJA	Trial counsel	Total officer requirement	Difference from current (9)
Total personnel required '08	2	2	5	1	10	+1
Total personnel required '09	2	2	5	1	10	+1
Total personnel required '10	2	2	5	1	10	+1

Table 4-56. Enlisted manpower requirements (pre-2003) – FY08 to FY10

RLSO MW enlisted	Legalmen	Total enlisted requirement	Difference from current total (12)
Total personnel required '08	21	21	+9
Total personnel required '09	21	21	+9
Total personnel required '10	21	21	+9

Table 4-57. Enlisted manpower requirements (post-2003) – FY08 to FY10

RLSO MW enlisted	Legalmen	Total enlisted requirement	Difference from current total (12)
Total personnel required '08	12	12	0
Total personnel required '09	12	12	0
Total personnel required '10	12	12	0

Table 4-58. Civilian manpower requirements (pre-2003) – FY08 to FY10

RLSO MW civilians (40 hr)	Adminis-trative	Paralegal	Total civilian requirement	Difference from current total (10)
Total personnel required '08	6	9	15	+5
Total personnel required '09	6	9	15	+5
Total personnel required '10	6	9	15	+5

Table 4-59. Civilian manpower requirements (post-2003) – FY08 to FY10

RLSO MW civilians (40 hr)	Executive	Paralegal	Total civilian requirement	Difference from current total (10)
Total personnel required '08	5	6	11	+1
Total personnel required '09	5	6	11	+1
Total personnel required '10	5	6	11	+1

Table 4-60. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

RLSO MW civilians (45 hr)	Adminis-trative	Paralegal	Total civilian requirement	Difference from current total (10)
Total personnel required '08	5	8	13	+3
Total personnel required '09	5	8	13	+3
Total personnel required '10	5	8	13	+3

Table 4-61. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

RLSO MW civilians (40 hr)	Executive	Paralegal	Total civilian requirement	Difference from current total (10)
Total personnel required '08	4	6	10	0
Total personnel required '09	4	6	10	0
Total personnel required '10	4	6	10	0

RLSO Midwest summary

In sum, the current manpower strength for officers at RLSO MW is 9, and all of them answered the diary, while 2 are IAs and were not involved with the work being done at these commands. Our calculations show that, if the current paradigm for mil-justice-related work continues, RLSO MW will require 10 officers for a net increase of 1. This is because the officers at RLSO Midwest are working extremely long hours, suggesting that some work might not be getting completed. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 13 for a net change of 4.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement remains at 12. For the pre-2003 scenario, the enlisted requirement is 21—a large increase of 9 enlisted personnel. The reason that there is such a large difference for the legalmen (a requirement of 12 versus 21) is that their work is concentrated in admin separations (47 percent), military justice NJP (10 percent), and military justice courts-martial (10 percent). These three product areas have very different workloads, depending on whether mil-justice work remains at post-2003 levels or jumps back up to the level is was before 2003.

Civilian requirements for post-2003, and a 40-hour workweek, are 11 personnel versus the current 10—an increase of 1 civilian. This rises to 15 personnel under the pre-2003 scenario, for an increase of 5 civilians. If one assumes a 45-hour workweek, the requirements are slightly lower. Assuming that workload will remain at post-2003 levels and assuming a 45-hour workweek, the civilian requirement is 10—exactly the number of civilians they have now. If, however, one chooses to assume a 45-hour workweek and an increase to pre-2003 military justice workloads, the civilian requirement is 13—which is 3 greater than the current 10 civilians.

We want to emphasize that the requirements that we have calculated for RLSO MW should be regarded as floors, not ceilings. For example, the CO of RLSO Midwest told us that in August 2007 the Naval Service Training Command (NSTC) and Commander, Navy Region Midwest (CNRMW) were split into two distinct commands

with their attending staffs. This has led to a substantial increase in workload for SJAs at RLSO MW that was not captured in our data from June 2007. Another factor to consider is that RLSO MW has 18 enlisted billets, although only 12 enlisted personnel were on board at the time of this study. As stated earlier in this chapter, appendix A and appendix B of this report illustrate how OJAG can recompute personnel requirements, if it wants to recompute requirements based on different assumptions about the number of personnel who are assigned to a particular RLSO or NLSO.

RLSO Southwest (SW)

Count of survey respondents

The analysis for RLSO Southwest covers the main RLSO office in San Diego as well as four branch offices (Fallon, Det Lemoore, Det Ventura, and China Lake). At the time of this study, there were no JAG Corps personnel in Monterey or El Centro.

Overall, the response rate for the workload survey was extremely high (see Table 4-62). The RLSO SW respondents included 18 civilians, 12 legalmen, 27 officers (including 1 LDO), and 5 LIMDU enlisted, for a total of 62 respondents. These are extremely high response rates: 100 percent for the officers, 86 percent for the civilians, and 71 percent for enlisted personnel.

We did not venture to estimate the response rate for limited duty personnel because of difficulty obtaining a useful estimate of the number of LIMDUs who were available to answer the work diary. We conducted a search for LIMDUs as of June 8, 2007, and found 4 assigned to RLSO Southwest. But our dataset for RLSO SW includes a sampling of 5 limited duty personnel, which is 1 more than we found in our search of the Navy's LIMDU database of how many should be at RLSO SW. The discrepancy should not be surprising because LIMDUs are sometimes available from a temporary labor pool from the Naval Station, without being formally assigned to the RLSO. Numbers of LIMDU personnel can fluctuate considerably from day to day.

The table also tells us that the civilians who answered were predominantly paralegals (10) or administrative personnel (3). The officers who answered were mostly in SJA/command services (14) or trial counsel, government (10). All told, this is an excellent response rate for describing the work being performed at RLSO SW. The table shows that all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals.

Table 4-62. RLSO Southwest respondents

Primary functional area	Civil-ian	Enlisted (includ-ing active duty or reserve)	Enlisted--Limited Duty	Officer (including active duty or reserve)	Grand Total
Administrative Officer-Manager				1	1
Civilian Paralegal	10				10
Clerical-Administrative	3				3
Court Reporter	1				1
Enlisted--Comms & Intell (e.g., OS, IT, AC, CT)			1		1
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)			1		1
Enlisted--Electronics (e.g., ST, FC, ET, AT)			1		1
Enlisted-Legalman (or equivalent Marine)		12			12
Enlisted--Seamanship, Navigation (e.g., SN, BM, QM)			1		1
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)			1		1
Executive (Director, CO, XO, Special Assistant)				2	2
HQ Code/Other Attorney	1				1
Legal Admin Assistant	1				1
Resource Management/Contracts/Fiscal	1				1
Staff Judge Advocate (SJA) & Command Ser-vices				14	14
Trial Counsel – Government	1			10	11
Grand Total	18	12	5	27	62
Actual RLSO Total	21	17	4	27	69

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Consequently, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the amount of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5 day workweek. These results are in Table 4-63.

Table 4-63. RLSO SW average hours worked by employment status

Current employment status	Total hours	Total personnel reporting	Average workweek	Average days worked per week	Average workweek (adjusted)
Civilian	1,446.5	18	40.2	9.2	43.7
Enlisted (including active duty or reserve)	1,025.5	12	42.7	9.4	45.5
LIMDU	207.5	5	20.8	5.0	41.5
Officer (including active duty or reserve)	2,753.0	27	51.0	10.3	51.0
Grand Total	5,432.5	62	43.8	9.4	47.0

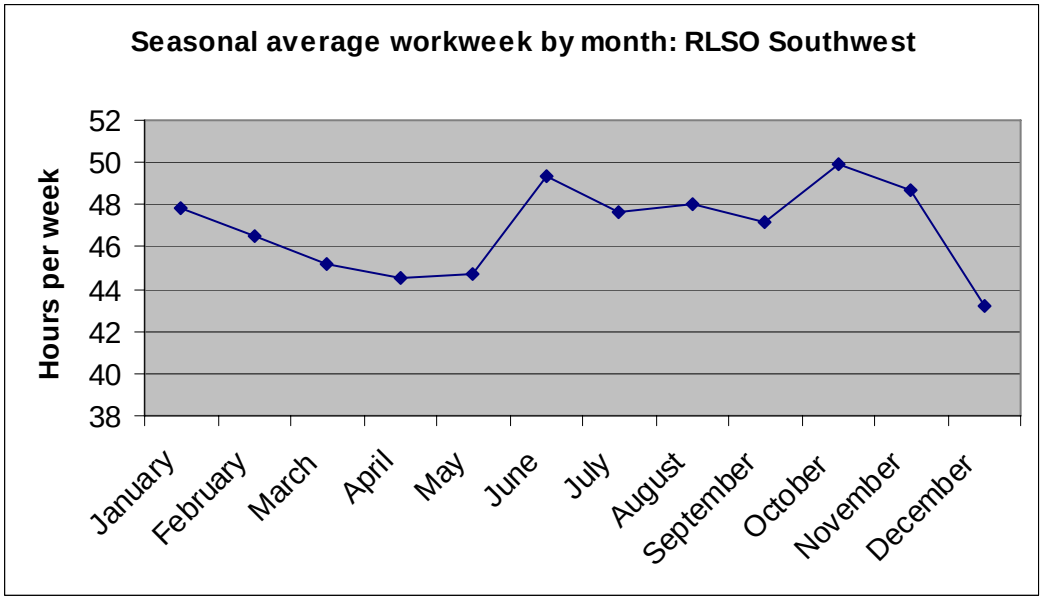
As we can see, the 27 officers had the longest workweek, even before adjustments were made. They were followed by the 12 enlisted (legalmen) and the civilians. The 5 LIMDUs reported the fewest hours worked per week. This is to be expected since LIMDU personnel often have medical appointments and, sometimes, a need for more rest than full duty personnel. In summary, the results are pretty much as expected—he highest work hours by officers, followed by enlisted and civilians, with limited duty personnel working the fewest hours per week.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 4-7 shows that June was a month of relatively high workload—average of 49.6 hours per week, versus 47.2 hours throughout the entire year. Therefore, we will multiply hours worked by 47.2/49.6, or .952, when we compute workload requirements. October also appears to be a month of

relatively high work hours, and December is a month of drastically reduced hours, compared with the rest of the year.

Figure 4-7. Seasonal workweek by month RLSO SW

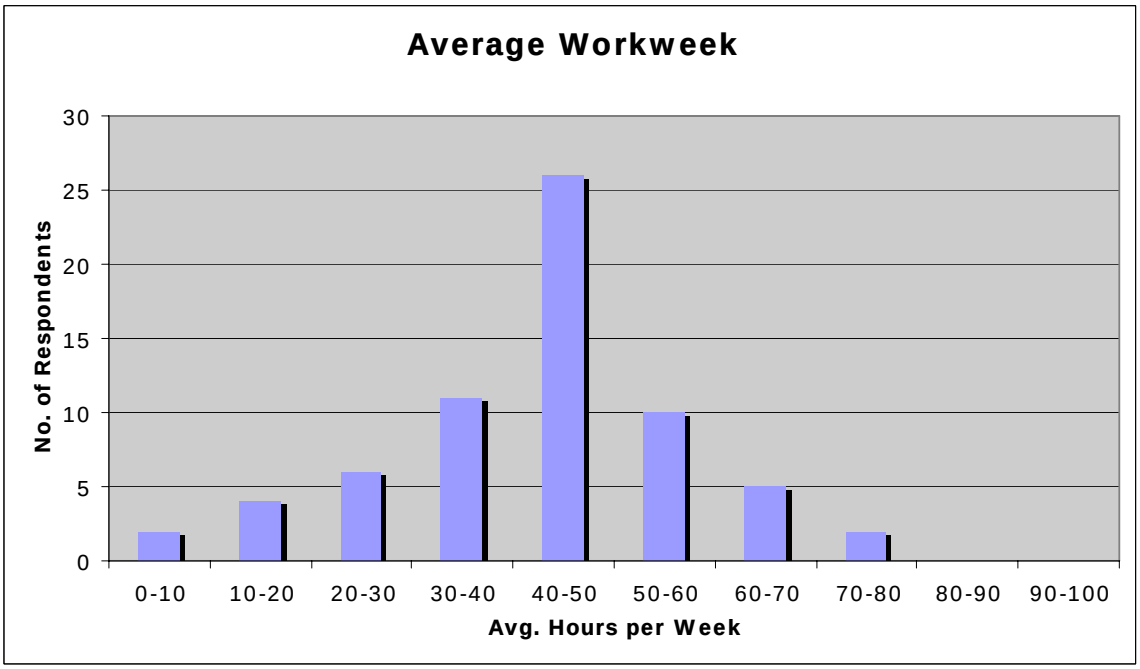


Employees who work over 50 hours per week

The unadjusted average workweek for RLSO SW was 43.8 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 4-8 offers a more complete picture of hours worked per employee. It shows that 2/62 respondents worked an average of 70 to 80 hours during the 2-week survey, 5 worked an average of 60 to 70 hours per week, and 10 worked an average of 50 to 60 hours per week. The most common workweek fell in the range of 40 to 50 hours per week. From these data, we conclude that the staff is somewhat stressed due to the current workload, and some officers are, indeed, working very long hours. The workers with very short workweeks, 0 to 10 hours and 10 to 20 hours, were all limited duty personnel.

Figure 4-8. Total unadjusted hours worked during 2-week reporting period (n=62): RLSO SW



Indicators that the workforce is cross-tasked too much

Table 4-64 through Table 4-69 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from table 4-64 that, of the total hours worked during the 2-week diary, 46.9 percent (1,291/2,753) of them are related to legal tasks. Other (639.5 hours, 23.2 percent) and administration (298.5 hours, 10.8 percent) were two other areas that accounted for a significant amount of officer hours. This indicates that the officers spend a great deal of

their time either doing some ancillary work or administrative tasks. We also note that SJAs/command services spent more time on legal tasks (829.5 hours, 57 percent) than any other category of task. Not surprisingly, executive officers (COs, XOs, etc.) spent more time on executive and executive support tasks (30 percent) and other tasks (25 percent) than they did legal tasks (4 percent). Note, however, that the executive officers (COs, XOs, OICs, etc.) spent 21 percent of their time performing administrative tasks; this might indicate that more administrative support is needed for the commanding officers, OICs, and executive officers.

The civilian community spends much less time doing ancillary "other" tasks than the officers do (only 95.5 hours out of 1,447, or 6.6 percent). However, they spend a greater percentage of their time performing administrative tasks (610.5 out of 1447, 42.2 percent) than do the officers. The paralegals spend almost as much time performing administrative tasks (312.5, 37 percent of their time) as they do performing legal tasks (369.5., 44 percent of their time).

The enlisted community spends its largest amount of time doing ancillary/other duties (417 out of 1,233, 34 percent), followed by legal tasks (321.5/1233, 26 percent). They also spend a large share of time doing administrative tasks (24 percent).

In sum, all personnel spent some time doing work outside their specialties. Civilian paralegals spent 37 percent of their time performing administrative tasks. However, the court reporter spent 91 percent of his or her time doing legal work. Enlisted spend most of their time on other tasks and legal tasks. Officers spent the plurality of their time on legal tasks, but other tasks were also a major factor in their workweek. It might be that RLSO SW officers spend less time on administrative tasks than do officers who are OCONUS (e.g., RLSO EURSWA) because of the fact that RLSO SW is in a stateside office in a fleet concentration area. In contrast, the fairly small, dispersed offices OCONUS might demand comparatively more administrative work of officers.

Table 4-64. Distribution of hours by task (officers only): RLSO SW

Officer primary functional area	Admin	Exec/ Exec Support	Facility	Human Res	Instructor	Legal	Other	Res Mgmt	Training	Travel	Grand Total
Administrative	28.0	31.0	9.0	4.0	3.0	2.5	16.0	0.0	0.0	0.0	93.5
Executive	48.5	71.0	0.0	0.0	15.0	9.0	58.0	2.5	9.0	23.5	236.5
SJA	115.5	12.5	0.0	0.0	13.5	829.5	388.5	0.0	54.5	46.0	1460.0
Trial Counsel	106.5	11.0	0.0	0.0	8.0	450.0	177.0	0.0	143.5	67.0	963.0
Total hours	298.5	125.5	9.0	4.0	39.5	1291.0	639.5	2.5	207.0	136.5	2753.0

Table 4-65. Percentage distribution of hours by task (officers only): RLSO SW

Major PFA	Admin	Exec/ Exec Support	Facility	Human Resources	Instructor	Legal	Other	Res Mgmt	Training	Travel
Administrative	30%	33%	10%	4%	3%	3%	17%	0%	0%	0%
Executive	21%	30%	0%	0%	6%	4%	25%	1%	4%	10%
Cmd Services	8%	1%	0%	0%	1%	57%	27%	0%	4%	3%
Trial Counsel	11%	1%	0%	0%	1%	47%	18%	0%	15%	7%

Table 4-66. Distribution of hours by task (civilian only): RLSO SW

RLSO SW civilian table	Ad-min	Exec/ Exec Spt	Facil-ity	Hu-man Res	In-struc-tor	IT	Legal	Other	Res Mgmt	Se-cu-rity	Train-ing	Trav-el	Grand Total
Adminis-trative	183.5	2	3	0	0	0	30	13	0	0	6	0	237.5
Court Reporter	5	0	0	0	2	0	85.5	0	0	0	1	0	93.5
HQ At-torney	32	19	0	2.5	0	0	33.5	9	2.5	0	11.5	3.5	113.5
Paralegal	312.5	0	0	0	9	0	369.5	52.5	0	0	39	57	839.5
Resource Mgmt	68	0	1	1	0	0	1	6.5	4	0	0	0	81.5
Trial Counsel	9.5	0	0	0	2.5	0	44	14.5	0	0	10.5	0	81
Total hours	610.5	21	4	3.5	13.5	0	563.5	95.5	6.5	0	68	60.5	1447

Table 4-67. Percentage distribution of hours by task (civilians only): RLSO SW

Major PFA	Admin	Exec/ Exec Support	Facil-ity	Hu-man Res	Instruc-tor	Legal	Other	Res Mgmt	Train-ing	Travel
Administra-tive	77%	1%	1%	0%	0%	13%	5%	0%	3%	0%
Court Re-porter	5%	0%	0%	0%	2%	91%	0%	0%	1%	0%
HQ Attorney	**28%**	17%	0%	2%	0%	30%	8%	2%	10%	3%
Paralegal	**37%**	0%	0%	0%	1%	44%	6%	0%	5%	7%
Resource Mgmt	**83%**	0%	1%	1%	0%	1%	8%	5%	0%	0%
Trial Counsel	12%	0%	0%	0%	3%	54%	**18%**	0%	13%	0%

Table 4-68. Distribution of hours by task (enlisted only): RLSO SW

RLSO SW enlisted table	Ad-min	Exec / Exec Spt	Facil-ity	Hu man Res	In-struc-tor	IT	Legal	Other	Se-cu-rity	Train-ing	Trav-el	Grand Total
Enlisted - Legal-men	238.5	93.5	6	1	39	1	279	336	6	11.5	14	1026
LIMDU	59	1	0	0	0		42.5	81	20.5	3.5		207.5
Total hours	297.5	94.5	6	1	39	1	321.5	417	26.5	15	14	1233

Table 4-69. Percentage distribution of hours by task (enlisted only): RLSO SW

RLSO SW enlisted table	Admin	Exec/ Exec Sup-port	Facil-ity	Hu-man Re	Instruc-tor	IT	Le-gal	Other	Secu-rity	Train-ing	Travel
Enlisted-legalmen	**23%**	9%	1%	0%	4%	0%	27%	**33%**	1%	1%	1%
LIMDU	28%	0%	0%	0%	0%	0%	20%	**39%**	10%	2%	0%
Total hours	24%	8%	0%	0%	3%	0%	26%	34%	2%	1%	1%

Direct versus indirect hours worked

Table 4-70 through 4-75 show what work product areas were responsible for the total level of effort during the survey period. The work product areas can be divided into two main groups. *Direct labor* work drivers refer to outputs that directly deal with a legal output; they are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. *Indirect labor* is the other main group and refers to outputs that support the JAG community. This could also be considered overhead. In tables 4-70 through 4-75, they are shaded in grey and generally refer to such work output as budget services, human resource services, etc. These are essential functions, but they are not direct labor hours.

Officers spent 1,848.5 hours (67 percent of their total time) providing some type of legal service. Trial counsel, not surprisingly, spent a great deal of their time working on military justice–courts-martial while the SJAs/Command Services provided a much larger variety of other legal services. Civilian and enlisted personnel spent 1,066 hours (74 percent of their total time) and 816.5 hours (66 percent of their total time), respectively, on legal services. Note that officers spent a larger percentage of their time on some kind of training (349.5 hours, or 12.7 percent) than did civilians (65 hours, 4.5 percent) or enlisted (35.5 hours, 2.8 percent).

In looking at how RLSO personnel spend their time, the largest product areas are military justice–courts-martial and other legal services. Officers spend more time giving/receiving training; civilians and enlisted spend more time on administrative separations. These

differences suggest that officers, civilians, and enlisted are used for different roles in supporting the RLSO's missions.

It is interesting to note that environmental law constituted a relatively small percentage of the total RLSO workload. Environmental law (installations) accounted for 45.5 hours (about 3 percent) of the total time of SJAs/Command Services. Environmental law (operational) constituted an even smaller portion of total time—only 9.5 hours, or about 1 percent of the total. These findings suggest that during the time of this survey, officers were spending small amounts of time on environmental law. We have been told that during some times of the year, when litigation is pending, the workload for environmental law can be much higher.

Table 4-70. Distribution of hours across product and service areas (officers only): RLSO Southwest

RLSO Southwest -- Officer table	Primary functional area				
	Admin-istrative	Execu-tive	Command Services	Trial Counsel	Total hours
Administrative Law (Ethics)	0.0	0.0	54.0	0.0	54.0
Administrative Law (Military Personnel Law)	0.0	0.0	51.0	3.0	54.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0.0	2.0	35.0	0.0	37.0
Claims	0.0	0.0	2.0	0.0	2.0
Environmental Law (Installation)	0.0	0.0	45.5	0.0	45.5
Environmental Law (Operational)	0.0	0.0	9.5	0.0	9.5
General Litigation	0.0	0.0	7.5	37.5	45.0
JAGMAN Investigations	0.0	0.0	32.0	0.0	32.0
Legal Assist. (e.g., immigration, wills, POAs, notary, tax assist.)	0.0	0.0	9.5	0.0	9.5
Military Justice-Administrative Separations	0.0	0.0	93.0	11.0	104.0
Military Justice-Courts-martial	5.5	1.5	161.0	484.5	652.5
Military Justice-Investigations	0.0	0.0	34.5	42.0	76.5
Military Justice-Judiciary	0.0	0.0	0.5	0.0	0.5
Military Justice-NJP	1.5	0.0	33.0	1.0	35.5
Military Justice-Records	0.0	0.0	74.5	0.0	74.5
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0.0	0.0	2.5	0.0	2.5
Naval Justice School (NJS)	0.0	6.0	0.0	77.0	83.0
Other (legal services)	3.0	60.0	303.5	33.5	400.0
Public Affairs	0.0	0.0	6.0	0.0	6.0
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0.0	0.0	4.5	0.0	4.5
Training-NJS	0.0	43.0	1.5	76.0	120.5
No area identified	0.0	0.0	15.0	8.0	23.0
Budget/Fiscal/Comptroller/Acquisitions	0.0	2.5	11.5	0.0	14.0
HQ/Program Analysis/Policy	2.0	27.5	62.5	18.5	110.5
HQ/Personnel/Pay/Travel	2.5	4.5	59.5	0.0	66.5
IT Systems and Support	0.0	0.0	1.5	1.0	2.5
Other (non-legal-related services)	12.0	66.0	254.0	123.5	455.5
Other product area (e.g., security, facility management, admin)	61.5	3.5	20.5	1.0	86.5
Training-not NJS/Other	5.5	20.0	75.0	45.5	146.0
Grand Total	93.5	236.5	1460.0	963.0	2753.0

Table 4-71. Percentage distribution of hours across product and service areas (officers only): RLSO Southwest

RLSO Southwest -- Officer table	Administra-tive	Execu-tive	SJA/Command Services	Trial Coun-sel
Administrative Law (Ethics)	0%	0%	4%	0%
Administrative Law (Military Personnel Law)	0%	0%	3%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	0%	1%	2%	0%
Claims	0%	0%	0%	0%
Environmental Law (Installation)	0%	0%	3%	0%
Environmental Law (Operational)	0%	0%	1%	0%
General Litigation	0%	0%	1%	4%
JAGMAN Investigations	0%	0%	2%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	1%	0%
Military Justice-Administrative Separations	0%	0%	6%	1%
Military Justice-Courts-martial	6%	1%	11%	50%
Military Justice-Investigations	0%	0%	2%	4%
Military Justice-Judiciary	0%	0%	0%	0%
Military Justice-NJP	2%	0%	2%	0%
Military Justice-Records	0%	0%	5%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%	0%
Naval Justice School (NJS)	0%	3%	0%	8%
Other (legal services)	3%	25%	21%	3%
Public Affairs	0%	0%	0%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%
Training-NJS	0%	18%	0%	8%
No area identified	0%	0%	1%	1%
Budget/Fiscal/Comptroller/Acquisitions	0%	1%	1%	0%
HQ/Program Analysis/Policy	2%	12%	4%	2%
HQ/Personnel/Pay/Travel	3%	2%	4%	0%
IT Systems and Support	0%	0%	0%	0%
Other (non-legal-related services)	13%	28%	17%	13%
Other product area (e.g., security, facility management, administrative)	66%	1%	1%	0%
Training-not NJS/Other	6%	8%	5%	5%

Table 4-72. Distribution of hours across product and service areas (civilians only): RLSO Southwest

RLSO Southwest--Civilian table	Administrative	Court Re-porter	HQ Attor-ney	Parale-gal	Re-source Mgmt	Trial Coun-sel	Total hours
Administrative Law (Ethics)	0	0	11.5	49.5	0	0	61
Administrative Law (Mil Pers Law)	0.5	0	2	2.5	0	1.5	6.5
Administrative Law (Misc-prof resp, etc.)	0	0	13.5	40.5	0	0	54
Claims	0	0	0	23.5	0	0	23.5
General Litigation	0	0	0	24	0	30	54
JAGMAN Investigations	0	0	3.5	42	0	0	45.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0	0	0	30.5	0	0	30.5
Military Justice-Administrative Separa-tions	83	0	0	9.5	0	13.5	106
Military Justice-Courts-martial	5	87.5	0	104	0	25	221.5
Military Justice-Investigations	0	0	0	4	0	2	6
Military Justice-Judiciary	0	3	0	18.5	0	0	21.5
Military Justice-NJP	0	0	0	10.5	0	0	10.5
Military Justice-Records	0	0	0	2	0	0	2
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdic-tion, Legislative)	0	0	1	1.5	0	0	2.5
Naval Justice School (NJS)	0	0	0		0.5	0	0.5
Other (legal services)	67	0	17	316	2.5	3.5	406
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0	0	0	15	0	0	15
(No Area)	0	0	0	2.5	0	0	2.5
Training-not NJS/Other	1.5	3	10	50	0	0	64.5
Budget/Fiscal/Comptroller/Acquisitions	0	0	4.5	0.5	10	0	15
HQ/Management/Program Analy-sis/Policy	1	0	34.5	7.5	0	0	43
HQ/Personnel/Pay/Travel	1	0	4		0	0	5
IT Systems and Support	0	0	0		5	0	5
Other (non-legal-related services)	26	0	6.5	37	63.5	5.5	138.5
Other product area (e.g., security, facility management, administrative)	52.5	0	5.5	48.5	0	0	106.5
Grand Total	237.5	93.5	113.5	839.5	81.5	81	1446.5

Table 4-73. Percentage distribution of hours across product and service areas (civilians only): RLSO Southwest

RLSO SW--Civilian table	Admin-istrative	Court Re-porter	HQ Attor-ney	Para-legal	Res Mgmt	Trial Coun-sel
Administrative Law (Ethics)	0%	0%	10%	6%	0%	0%
Administrative Law (Military Personnel Law)	0%	0%	2%	0%	0%	2%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	0%	0%	12%	5%	0%	0%
Claims	0%	0%	0%	3%	0%	0%
General Litigation	0%	0%	0%	3%	0%	37%
JAGMAN Investigations	0%	0%	3%	5%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%	4%	0%	0%
Military Justice-Administrative Separa-tions	35%	0%	0%	1%	0%	17%
Military Justice-Courts-martial	2%	94%	0%	12%	0%	31%
Military Justice-Investigations	0%	0%	0%	0%	0%	2%
Military Justice-Judiciary	0%	3%	0%	2%	0%	0%
Military Justice-NJP	0%	0%	0%	1%	0%	0%
Military Justice-Records	0%	0%	0%	0%	0%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdic-tion, Legislative)	0%	0%	1%	0%	0%	0%
Naval Justice School (NJS)	0%	0%	0%	0%	1%	0%
Other (legal services)	28%	0%	15%	38%	3%	4%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	2%	0%	0%
Training-not NJS/Other	1%	3%	9%	6%	0%	0%
(No Area)	0%	0%	0%	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	4%	0%	12%	0%
HQ/Management/Program Analysis/ Policy	0%	0%	30%	1%	0%	0%
HQ/Personnel/Pay/Travel	0%	0%	4%	0%	0%	0%
IT Systems and Support	0%	0%	0%	0%	6%	0%
Other (non-legal-related services)	11%	0%	6%	4%	78%	7%
Other product area (e.g., security, fa-cility management, administrative)	22%	0%	5%	6%	0%	0%

Table 4-74. Distribution of hours across product and service areas (enlisted only): RLSO Southwest

RLSO SW--enlisted table	Enlisted - LIMDU	Enlisted - Legalmen	Grand Total
Administrative Law (Military Personnel Law)	64.5	21	85.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	0	2	2
JAGMAN Investigations	0	1.5	1.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0	9	9
Military Justice-Administrative Separations	65.5	82	147.5
Military Justice-Courts-martial	10.5	141.5	152
Military Justice-Investigations	4	12	16
Military Justice-NJP	5.5	42	47.5
Military Justice-Records	0	45	45
Misc. (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0	2	2
Other (legal services)	40.5	232	272.5
Public Affairs	0	0.5	0.5
Training-NJS	0	1	1
Training-not NJS/Other	0	34.5	34.5
(No Area)	0	15	15
Other (non-legal-related services)	17	268	285
HQ/Management/Program Analysis/Policy	0	96	96
Headquarters/Personnel/Pay/Travel	0	13	13
IT Systems and Support	0	2.5	2.5
Other product area (e.g., security, facility management, administrative)	0	5	5
Grand Total	207.5	1025.5	1233

Table 4-75. Percentage distribution of hours across product and service areas (enlisted only): RLSO SW

RLSO SW--enlisted table	LIMDU	Enlisted--legalmen	Enlisted--total
Administrative Law (Military Personnel Law)	31%	2%	7%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	0%	0%
JAGMAN Investigations	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	1%	1%
Military Justice-Administrative Separations	32%	8%	12%
Military Justice-Courts-martial	5%	14%	12%
Military Justice-Investigations	2%	1%	1%
Military Justice-NJP	3%	4%	4%
Military Justice-Records	0%	4%	4%
Misc. (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%
Other (legal services)	20%	23%	22%
Public Affairs	0%	0%	0%
Training-NJS	0%	0%	0%
Training-not NJS/Other	0%	3%	3%
(No Area)	0%	1%	1%
Other (non-legal-related services)	8%	26%	23%
HQ/Management/Program Analysis/Policy	0%	9%	8%
Headquarters/Personnel/Pay/Travel	0%	1%	1%
IT Systems and Support	0%	0%	0%
Other product area (e.g., security, facility management, admin)	0%	0%	0%

RLSO Southwest manpower requirements – FY08 to FY10

As shown earlier, the overall RLSO Southwest response rate was high for officers, with all 27 responding, and for civilians, with 18 of 21 responding. Participation for enlisted personnel was only about 70.6 percent, with 12 of 17 personnel completing the work diary for at least 1 day. We had to correct for the response rates of civilians by multiplying reported hours by 21/18, or 1.167, in order to estimate the workload for all the civilians in RLSO SW. For the same reason, we multiplied the reported hours of enlisted personnel by 17/12, or 1.417, to estimate the workload of all enlisted personnel. These calculations assume that those civilians and legalmen who responded were similar to those who did not respond.

Table 4-70 shows detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, note that the 10 trial counsel in RLSO SW who completed the diary spent 484.5 hours doing court-martial work (General Courts-Martial, GCMs). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 788.2 hours (1.66 x .98 x 484.5). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 1,254.1 hours of expected work (versus the 963.0 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO Southwest will require about 14 (versus the current 10) officer trial counsel (see Table 4-76). Applying the same logic in the low case (or post 2003) scenario) yields the officer manpower requirements shown in Table 4-77.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future in spite of the fact that most trial counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO SW will need *at least* 14 trial counsel.

Manpower requirements for the enlisted and civilian components of RLSO Southwest are shown in the following tables (see Table 4-78 through Table 4-83). The same caveats apply for both enlisted and civilian groups as for the officers. Note that, whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used a 40-hour workweek in defining the number of civil-

ians. The 40-hour workweek for civilians is actually slightly higher than the federally mandated level of 35-hours per civilian, which has been used in previous manpower studies.

Table 4-76. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

RLSO Southwest	Administrative Office Mgr	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current
Total personnel required '08	1	3	19	14	37	+10
Total personnel required '09	1	2	19	13	35	+8
Total personnel required '10	1	2	19	13	35	+8

Table 4-77. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

RLSO Southwest	Administrative Office Mgr	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current
Total personnel required '08	1	2	15	10	28	+1
Total personnel required '09	1	2	15	9	27	0
Total personnel required '10	1	2	15	9	27	0

Table 4-78. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

RLSO Southwest	Enlisted Legalman	Legalman difference from current	Enlisted LIMDU	LIMDU difference from current	Total enlisted requirement	Total enlisted difference from current
Total personnel required '08	19	+2	4	0	23	+2
Total personnel required '09	19	+2	4	0	23	+2
Total personnel required '10	19	+2	4	0	23	+2

Table 4-79. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

RLSO Southwest	Enlisted Legalman	Legalman difference from current	Enlisted LIMDU	LIMDU difference from current	Total enlisted requirement	Total enlisted difference from current
Total personnel required '08	15	-2	3	-1	18	+1
Total personnel required '09	15	-2	3	-1	18	+1
Total personnel required '10	15	-2	3	-1	18	+1

Table 4-80. Civilian manpower requirements (pre-2003--higher) – FY08 to FY10 (40-hour workweek)

RLSO Southwest	Clerical Administrative (& Legal Admin Asst	Court Reporter	HQ Attorney	Paralegal	Resource Mgmt	Trial Counsel	Total civilian requirement	Difference from current
Total personnel required '08	5	2	2	15	1	2	27	+6
Total personnel required '09	5	2	2	15	1	2	27	+6
Total personnel required '10	5	2	2	15	1	2	27	+6

Table 4-81. Civilian manpower requirements (post-2003, lower) – FY08 to FY10 (40-hour workweek)

RLSO Southwest	Clerical Administrative (& Legal Admin Asst)	Court Reporter	HQ Attorney	Paralegal	Resource Mgmt	Trial Counsel	Total civilian requirement	Difference from current
Total personnel required '08	4	1	2	13	1	1	22	+1
Total personnel required '09	4	1	2	13	1	1	22	+1
Total personnel required '10	4	1	2	13	1	1	22	+1

Table 4-82. Civilian manpower requirements (pre-2003-higher) – FY 08 to FY10 (45-hour workweek)

RLSO Southwest	Clerical Administrative (& Legal) Admin Asst	Court Reporter	HQ Attorney	Paralegal	Res Mgmt	Trial Counsel	Total civilian requirement	Difference from current
Total personnel required '08	5	2	2	13	1	2	25	+4
Total personnel required '09	5	2	2	13	1	2	25	+4
Total personnel required '10	5	2	2	13	1	2	25	+4

Table 4-83. Civilian manpower requirements (post-2003, lower) – FY 08 to FY10 (45-hour workweek)

RLSO Southwest	Clerical Administrative (& Legal) Admin Asst	Court Reporter	HQ Attorney	Paralegal	Res Mgmt	Trial Counsel	Total civilian requirement	Difference from current
Total personnel required '08	3	1	2	11	1	1	19	-2
Total personnel required '09	3	1	2	11	1	1	19	-2
Total personnel required '10	3	1	2	11	1	1	19	-2

For the purpose of setting requirements, we have adjusted the hours personnel worked by using the seasonality data that respondents provided. The average hours worked in June (49.6 hours/week) was considerably more than the 47.2-hour average for the entire year, so we multiplied hours worked by 47.2/49.6, or .952, in computing workload requirements. We used this correction factor to approximate an average work month in the setting of requirements.

RLSO Southwest summary

The current manpower strength for officers at RLSO SW is 65. Most answered the work diary, but 2 officers and 1 enlisted legalman were IAs and not involved with the work being done at these commands. Our calculations show that, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, RLSO SW will require 28 officers (including LDOs) in FY 08, for a net change of 1. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 37, for a net change of +10.

We use the same logic for the civilian and enlisted personnel. If the current paradigm (post-2003 workload, which is lower) continues, the enlisted requirement rises from 17 to about 18, an increase of 1 enlisted person. For the pre-2003 higher workload scenario, the enlisted requirement is 23, an increase of 2 enlisted personnel. (This estimate should be taken with a grain of salt; clearly, LIMDUs are an important labor source for RLSO Southwest, but it is unclear if we should refer to the 4 LIMDUs needed as a requirement.)

Assuming a 40-hour workweek, the civilian requirement for lower, post-2003 workload is 22 personnel versus the current 21—an increase of 1. This requirement assumes a 35-hour workweek. This rises to 27 personnel under the pre-2003 scenario—6 more than the number of civilians currently working at RLSO Southwest.

If the civilian requirement were a 45-hour workweek, the results would change as follows. The civilian requirement for lower, post-2003 workload is 19 personnel versus the current 21—a decrease of 2 civilian personnel from the current 21. The civilian requirement for the higher, pre-2003 workload is 25 personnel—4 more than the number of civilians currently working at RLSO Southwest.

RLSO Northwest (NW)

Count of survey respondents

The analysis for RLSO Northwest covers the main RLSO office in Bremerton, as well as Branch Office Whidbey Island and the detachment in Everett.

Overall, the response rate for the workload survey was very high—particularly considering that RLSO Northwest had two legalmen on IAs at the time of the survey, according to numbers supplied to us from Code 63. As shown in Table 4-84, respondents included 10 civilians, 5 legalmen, 8 officers, and 5 LIMDU enlisted, for a total of 28 respondents. These are very high response rates: 80 percent for the officers, 100 percent for the civilians, and 63 percent for enlisted personnel. We did not venture to estimate the response rate for limited duty personnel because of difficulty obtaining a useful estimate of the number of LIMDUs who were available to answer the work diary. The table also tells us that the civilians who answered were predominantly paralegals (5), or legal admin assistants (2). The officers who answered were mostly SJAs (4), followed by trial counsel (2), and executive or executive support (2). All told, this is an excellent response rate for describing the work being performed at RLSO Northwest.

The table shows that, like other RLSO offices, all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals. This dataset for RLSO NW also includes a sampling of five limited duty personnel. Since the number of LIMDU assigned to the RLSO can vary greatly, we listed the actual number of LIMDU as not available (NA) in Table 4-84. For example, limited duty personnel's availability is sporadic, due to the need for doctor's appointments, physical therapy, and rest; furthermore, LIMDUs are sometimes available from a temporary labor pool without being formally assigned to the RLSO.

Table 4-84. RLSO Northwest respondents

Primary functional area	Civil-ian	Enlisted (including active duty and reserve)	Officer (including active duty and reserve)	Enlisted--LIMDU
Administrative Officer-Manager	1			
Civilian Paralegal	5			
Clerical-Administrative	1			
Court Reporter	1			
Enlisted--Craftsman (e.g., LI, MR, HT, Construction)				1
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)				2
Enlisted- Legalman (or equivalent Marine)		4		
Enlisted--Other Technical (e.g., MU, EA, AG, PH)				1
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)				1
Executive (Director, CO, XO, Special Assistant)			2	
Executive Support (EA, JAG IG, CMC, SEA)		1		
Legal Admin Assistant	2			
Staff Judge Advocate (SJA) & Command Services			4	
Trial Counsel - Government			2	
Grand Total	10	5	8	5
Actual RLSO Total (Active duty)	10	8	10	NA

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

Table 4-85 gives an overview of the average workweeks for various employee types. The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this

into account. To do this, we examined the average days worked as measured by the amount of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek (see Table 4-85).

Table 4-85. RLSO Northwest average hours worked by employment status

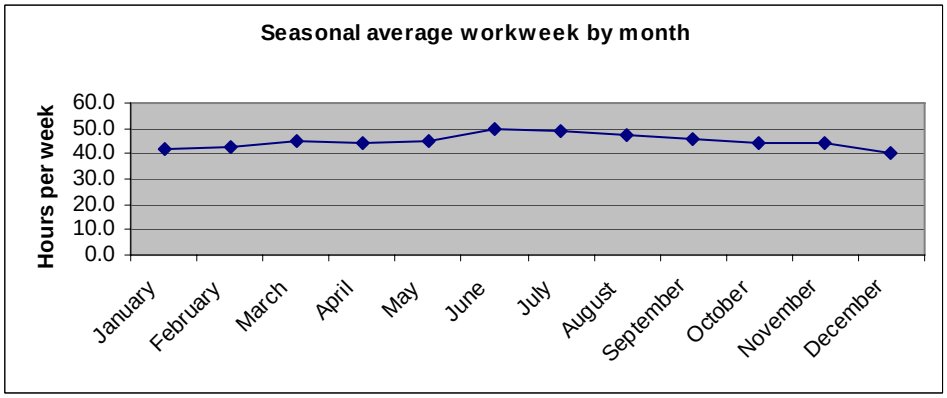
Current employment status	Total hours	Total personnel reporting	Average work-week	Average days worked	Average workweek (adjusted)
Civilian	797.0	10	39.9	9.5	41.9
Enlisted (including active duty or reserve)	415.0	5	41.5	9.4	44.1
Officer (including active duty or reserve)	631.5	8	39.5	9.0	43.9
Enlisted--LIMDU	354.5	5	35.5	8.0	44.3
Grand Total	2,198.0	28	39.3	9.1	43.1

As we can see, the 5 enlisted personnel (legalmen) had the longest workweek, before adjustments were made. The 10 civilians and 8 officers followed them. The 5 LIMDUs reported 35.5 hours per week—a very high average, which suggests that they are being used for many hours per week, especially compared with other RLSOs. In summary, the results are a little different than at many other RLSOs, with average workweeks very similar among enlisted, officers, and civilians. LIMDU personnel had unusually high average workweeks at RLSO Northwest, which is making good use of the "free" labor source of LIMDUs.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 4-9 shows that there is relatively little seasonality except in December, when the average workweek dips due to the holiday season. June has the highest average workweek, at 50.0 hours, and the overall average for the year is 45.0 hours. Therefore, we will adjust hours proportionally when computing requirements, multiplying by 45/50, or 0.9.

Figure 4-9. Seasonal workweek by month: RLSO NW

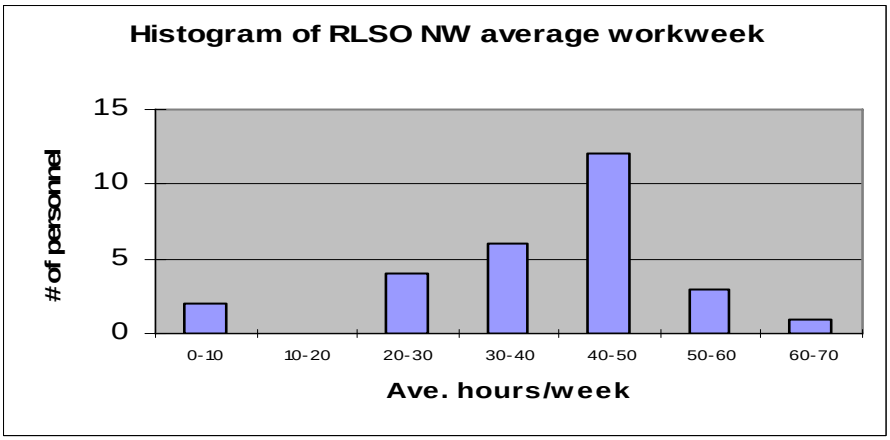


Employees who work over 50 hours per week

The unadjusted average workweek for RLSO NW was 39.3 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 4-10 offers a more complete picture of hours worked per employee. It shows that 1/28 respondents worked an average of 60 to 70 hours per week, 3 worked an average of 50 to 60 hours per week, and 12 worked an average of 40 to 50 hours per week. The most common workweek was 40 to 50 hours per week. From these data, we conclude that the staff is somewhat stressed due to the current workload, and some officers are, indeed, working very long hours. The workers with very short workweeks, 0 to 10 hours and 20 to 30 hours, were almost all limited duty personnel.

Figure 4-10. Total unadjusted hours worked during two-week reporting period (n=28): RLSO NW



Indicators that the workforce is cross-tasked too much

The next set of tables will offer insights into whether personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-86 and Table 4-87 that, of the total hours worked during the 2-week diary, 60.3 percent (381/631.5) are related to legal tasks. Admin (79.5 hours, 12.6 percent) and other (62.0 hours, 9.8 percent) were the two areas that accounted for the next largest percentages of officers' time. This indicates that the officers spend most of their time doing legal work, though a small amount of their time is spent doing administrative or some ancillary work. Trial counsel spent the largest percentage of their time doing legal tasks (129.5 hours, or 71 percent); SJAs/command services spent more time on legal tasks (178.5 hours, 57 percent) than any other single task category. It is surprising that executive officers (CO, XO, etc.) spent more time on legal tasks (73 hours, 53 percent) than on executive tasks (24.5 hours, 18 percent). Compared with other RLSOs, NW commanding/executive officers spent a considerable amount of time in travel (17.5 hours, 13 percent), which might be due to the particular geography of Bremerton, Everett, and Whidbey Island. Other than the high percentage of time spent by executive officers (CO/XO, etc.) on legal tasks, it appears that officers are generally working on the correct types of tasks. Both of the apparent anomalies (high amounts of travel and legal time for the executive officers) are explained by the fact that during the time of the work diary, the CO traveled to GTMO for a JAGMAN investigation.

The civilian community (see Table 4-88 and Table 4-89) spends a smaller percentage of time doing legal tasks than do the officers

(only court reporters and paralegals were close to 50 percent of their time performing legal tasks), and much less time traveling than the officers (8/797 hours, or 1.0 percent). However, they spend a greater percentage of their time performing administrative tasks (313.0 out of 797, 39.3 percent) than do the officers. The paralegals spend almost as much time performing administrative tasks (204.5 hours, 37.7 percent of their time) as they do performing legal tasks (278.0 hours, 51.3 percent of their time).

The legalman community's hours are shown in Table 4-90 and Table 4-91. It spends the largest amount of its time performing legal tasks (176.0 hours, 55 percent of total time), followed by administrative tasks (81.5 hours, 26 percent of total time. LIMDU personnel, by contrast, spent most of their time performing administrative tasks (194.5 hours, 55 percent of total time), followed by other tasks (79.5 hours, 22 percent). Executive enlisted personnel spent most of their time on legal tasks (56.5 hours, 58 percent), followed by executive and executive support tasks (30.5 hours, 31 percent).

In sum, the executive personnel (both officers and enlisted) spend a greater percentage of their time performing legal tasks than we see at most other RLSOs. LIMDUs are making a major contribution to the administrative tasks that need to be performed. Unlike some other RLSOs, legalmen are spending the largest share of their time performing legal tasks (55 percent) compared with some other RLSOs that we have analyzed.

Table 4-86. Distribution of hours by task (officers only): RLSO NW

RLSO NW	Admin	Exec/Exec Support	Instructor	Legal	Other	Training	Travel	Grand Total
Executive	9.5	24.5	0.5	73	12	0	17.5	137
SJA	42	17	3	178.5	30	25.5	15.5	311.5
Trial Counsel	28	3	1	129.5	20	0.5	1	183
Total hours	79.5	44.5	4.5	381	62	26	34	631.5

Table 4-87. Percentage distribution of hours by task (officers only): RLSO NW

RLSO NW	Admin	Exec/Exec Support	Instructor	Legal	Other	Training	Travel
Executive	7%	18%	0%	53%	9%	0%	13%
SJA	13%	5%	1%	57%	10%	8%	5%
Trial Counsel	15%	2%	1%	71%	11%	0%	1%

Table 4-88. Distribution of hours by task (civilian only): RLSO NW

RLSO NW	Ad-min	Exec/ Exec Spt	Fa-cility	Hu-man Res	In-struc-tor	IT	Legal	Mgmt / Plans / Man-power	Other	Res Mgmt	Se-cu-rity	Train-ing	Trav-el	Total
Admin	74.5	19.0	1.5	28.0	0.0	0.5	22.0	1.0	3.0	19.5	14.0	0.0	0.0	183.0
Court Reptr	34.0	0.0	1.5	0.0	0.0	0.0	32.5	0.0	0.5	0.0	0.0	3.5	0.0	72.0
Para-legal	204.5	0.0	0.0	0.0	0.5	0.0	278.0	0.0	40.0	0.0	0.0	11.0	8.0	542.0
Grand Total	313.0	19.0	3.0	28.0	0.5	0.5	332.5	1.0	43.5	19.5	14.0	14.5	8.0	797.0

Table 4-89. Percentage distribution of hours by task (civilians only): RLSO NW

RLSO NW	Admin	Exec/ Exec Spt	Facility	Human Res	In-struc-tor	IT	Legal	Mgmt / Plans / Manpower	Other	Resource Mgmt	Secu-rity	Train-ing	Trav-el
Admin	41%	10%	1%	15%	0%	0%	12%	1%	2%	11%	8%	0%	0%
Court Reporter	**47%**	0%	2%	0%	0%	0%	45%	0%	1%	0%	0%	5%	0%
Paralegal	**38%**	0%	0%	0%	0%	0%	51%	0%	7%	0%	0%	2%	1%

Table 4-90. Distribution of hours by task (enlisted only): RLSO NW

RLSO NW-- Enlisted	Admin	Exec/ Exec Support	Facility	Human Re-sources	Instruc-tor	Legal	Other	Secu-rity	Train-ing	Trav-el	Grand Total
Enlisted-Exec	6.5	30.5	0.0	0.0	0.0	56.5	4.0	0.0	0.0	0.0	97.5
Enlisted-LN	81.5	2.5	2.0	3.0	5.5	176.0	38.0	5.5	1.5	2.0	317.5
LIMDU	194.5	0.0	4.0	0.0	0.5	30.5	79.5	37.0	2.5	6.0	354.5
Total hours	282.5	33.0	6.0	3.0	6.0	263.0	121.5	42.5	4.0	8.0	769.5

Table 4-91. Percentage distribution of hours by task (enlisted only): RLSO NW

RLSO NW-- Enlisted	Admin	Exec/ Exec Support	Facility	Human Re-sources	Instruc-tor	Legal	Other	Secu-rity	Train-ing	Travel
Enlisted-Exec	7%	31%	0%	0%	0%	58%	4%	0%	0%	0%
Enlisted-LN	26%	1%	1%	1%	2%	55%	12%	2%	0%	1%
LIMDU	55%	0%	1%	0%	0%	9%	22%	10%	1%	2%

Direct versus indirect hours worked

Table 4-92 through Table 4-97 show which work product areas were responsible for the total level of effort during the 2-week survey period. There are two main groups of work product areas. *Direct labor* work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. *Indirect labor* refers to outputs that support the JAG community. This could also be considered overhead. In the tables that follow, they are shaded in grey and generally refer to such work output as budget services, human resource services, etc. These are essential functions, but they are not direct labor hours.

Officers spent 514 hours (about 81 percent of their total time) providing some type of legal service. Trial counsel, not surprisingly, spent almost all of their time working on a single type of legal service—military justice, courts-martial. The SJAs provided a much larger variety of types of legal services; other legal services accounted for 28 percent of their time. RLSO Northwest's court reporter works mainly for the judiciary. The commanding and executive officers (CO, XO, special assistant, etc.) worked a majority of their hours (95.0 hours, 69 percent) on JAGMAN investigations. Civilian personnel spent 260.5 hours (or 33 percent) of their time on other legal services. Another larger percentage of civilian time was spent in budget and fiscal matters (101.0 hours, 13 percent). Enlisted personnel, in contrast, spent most of their time on courts-martial (232 hours, 30 percent), or other legal services (171.5 hours, 22 percent), followed by other non-legal-related services (143 hours, 19 percent).

In sum, when looking at how the RLSO personnel spend their time, the largest product areas are military justice–courts-martial and other legal services. Trial counsels spend more time working on courts-martial, but SJAs spend more time on a variety of legal services. Civilians spend more time on budget and fiscal issues, whereas enlisted personnel spend a large share of their time supporting courts-martial or other legal services.

Table 4-92. Distribution of hours across product and service areas (officers only): RLSO Northwest

RLSO NW--Officers product areas	Executive	SJA	Trial Counsel	Total hours
Administrative Law (Ethics)	0.5	17.0	0.0	17.5
Administrative Law (Military Personnel Law)	0.0	16.0	0.0	16.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0.0	13.0	0.0	13.0
Claims	0.0	3.0	0.0	3.0
JAGMAN Investigations	95.0	8.5	0.0	103.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0.0	4.5	0.0	4.5
Military Justice-Administrative Separations	1.0	9.0	0.0	10.0
Military Justice-Courts-martial	2.0	28.0	145.5	175.5
Military Justice-Investigations	2.0	9.5	9.0	20.5
Military Justice-Judiciary	0.5	0.0	0.0	0.5
Military Justice-NJP	0.0	7.0	0.0	7.0
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0.0	1.0	0.0	1.0
Naval Justice School (NJS)	0.0	26.5	0.0	26.5
Other (legal services)	6.5	86.5	9.5	102.5
Public Affairs	0.0	2.0	0.0	2.0
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0.0	1.5	0.0	1.5
Training-NJS	0.0	9.5	0.0	9.5
No area identified	0.0	2.5	4.0	6.5
Budget/Fiscal/Comptroller/Acquisitions	0.0	4.0	0.0	4.0
HQ/Program Analysis/Policy	3.5	0.0	0.0	3.5
HQ/Personnel/Pay/Travel	6.5	3.5	0.0	10.0
IT Systems and Support	0.0	0.0	1.0	1.0
Other (non-legal-related services)	3.0	42.0	13.0	58.0
Other product area (e.g., security, facility management, administrative)	13.0	16.0	1.0	30.0
Training-not NJS/Other	3.5	1.0	0.0	4.5
Grand Total	**137.0**	**311.5**	**183.0**	**631.5**

Table 4-93. Percentage distribution of hours across product and service areas (officers only): RLSO Northwest

RLSO NW--Officers product areas	Executive	SJA	Trial Counsel
Administrative Law (Ethics)	0%	5%	0%
Administrative Law (Military Personnel Law)	0%	5%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	4%	0%
Claims	0%	1%	0%
JAGMAN Investigations	69%	3%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	1%	0%
Military Justice-Administrative Separations	1%	3%	0%
Military Justice-Courts-martial	1%	9%	80%
Military Justice-Investigations	1%	3%	5%
Military Justice-Judiciary	0%	0%	0%
Military Justice-NJP	0%	2%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%
Naval Justice School (NJS)	0%	9%	0%
Other (legal services)	5%	28%	5%
Public Affairs	0%	1%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%
Training-NJS	0%	3%	0%
No area identified	0%	1%	2%
Budget/Fiscal/Comptroller/Acquisitions	0%	1%	0%
HQ/Program Analysis/Policy	3%	0%	0%
HQ/Personnel/Pay/Travel	5%	1%	0%
IT Systems and Support	0%	0%	1%
Other (non-legal-related services)	2%	13%	7%
Other product area (e.g., security, facility management, administrative)	9%	5%	1%
Training-not NJS/Other	3%	0%	0%

Table 4-94. Distribution of hours across product and service areas (civilians only): RLSO NW

RLSO NW--Civilian area	Admin-istrative	Court Reporter	Para-legal	Grand Total
Administrative Law (Ethics)	0.0	0.0	36.0	36.0
Administrative Law (Military Personnel Law)	0.0	0.0	11.0	11.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	4.0	0.0	46.0	50.0
Claims	0.0	0.0	0.5	0.5
Environmental Law (Installation)	0.0	0.0	5.0	5.0
General Litigation	0.0	0.0	6.5	6.5
JAGMAN Investigations	0.0	0.0	9.5	9.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0.0	0.0	9.5	9.5
Military Justice-Administrative Separations	0.0	0.0	35.0	35.0
Military Justice-Courts-martial	3.0	11.0	20.0	34.0
Military Justice-Investigations	0.0	0.0	4.5	4.5
Military Justice-Judiciary	0.0	57.0	0.5	57.5
Military Justice-NJP	0.0	0.0	5.0	5.0
Military Justice-Records	0.0	0.0	3.5	3.5
Other (legal services)	0.0	0.0	260.5	260.5
Training-NJS	0.0	0.0	3.5	3.5
(No Area)	0.0	0.0	14.5	14.5
Budget/Fiscal/Comptroller/Acquisitions	101.0	0.0	0.0	101.0
IT Systems and Support	0.5	0.0	0.5	1.0
Other (non-legal-related services)	4.0	0.5	39.0	43.5
Other product area (e.g., security, facility management, administrative)	70.5	0.0	24.0	94.5
Training-not NJS/Other	0.0	3.5	7.5	11.0
Grand Total	183.0	72.0	542.0	797.0

Table 4-95. Percentage distribution of hours across product and service areas (civilians only): RLSO NW

RLSO NW--Civilian area	Adminis-trative	Court Reporter	Para-legal
Administrative Law (Ethics)	0%	0%	7%
Administrative Law (Military Personnel Law)	0%	0%	2%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	2%	0%	8%
Claims	0%	0%	0%
Environmental Law (Installation)	0%	0%	1%
General Litigation	0%	0%	1%
JAGMAN Investigations	0%	0%	2%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	2%
Military Justice-Administrative Separations	0%	0%	6%
Military Justice-Courts-martial	2%	15%	4%
Military Justice-Investigations	0%	0%	1%
Military Justice-Judiciary	0%	79%	0%
Military Justice-NJP	0%	0%	1%
Military Justice-Records	0%	0%	1%
Other (legal services)	0%	0%	48%
Training-NJS	0%	0%	1%
(No Area)	0%	0%	3%
Budget/Fiscal/Comptroller/Acquisitions	55%	0%	0%
IT Systems and Support	0%	0%	0%
Other (non-legal-related services)	2%	1%	7%
Other product area (e.g., security, facility management, administrative)	39%	0%	4%
Training-not NJS/Other	0%	5%	1%

Table 4-96. Distribution of hours across product and service areas (enlisted only): RLSO NW

RLSO NW--Enlisted areas	Enlisted - Executive	Enlisted - Legalmen	LIMDU	Total hours
Administrative Law (Ethics)	0.0	1.5	2.5	4.0
Administrative Law (Military Personnel Law)	1.5	1.5	10.5	13.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0.0	1.0	20.0	21.0
Claims	0.0	0.0	2.5	2.5
JAGMAN Investigations	1.0	5.5	0.0	6.5
Joint Matters	0.0	0.0	3.5	3.5
Military Justice-Administrative Separations	0.5	72.0	0.0	72.5
Military Justice-Courts-martial	22.5	114.0	95.5	232.0
Military Justice-Investigations	1.0	5.0	3.0	9.0
Military Justice-Judiciary	1.5	0.0	10.0	11.5
Military Justice-NJP	4.5	25.0	0.0	29.5
Military Justice-Records	6.5	2.0	5.0	13.5
Other (legal services)	17.0	38.0	116.5	171.5
Public Affairs	0.0	0.0	1.5	1.5
Training-NJS	0.0	0.0	2.0	2.0
(No Area)	0.0	3.0	0.0	3.0
HQ/Pay/Travel	1.0	0.0	0.0	1.0
Other (non-legal-related services)	37.0	38.0	68.0	143.0
Other product area (e.g., security, facility management, administrative)	3.5	2.0	12.5	18.0
Training-not NJS/Other	0.0	9.0	1.5	10.5
Grand Total	**97.5**	**317.5**	**354.5**	**769.5**

Table 4-97. Percentage distribution of hours across product and service areas (enlisted only): RLSO NW

RLSO NW--Enlisted areas	Enlisted - Executive	Enlisted - Legalmen	LIMDU
Administrative Law (Ethics)	0%	0%	1%
Administrative Law (Military Personnel Law)	2%	0%	3%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	0%	6%
Claims	0%	0%	1%
JAGMAN Investigations	1%	2%	0%
Joint Matters	0%	0%	1%
Military Justice-Administrative Separations	1%	23%	0%
Military Justice-Courts-martial	23%	36%	27%
Military Justice-Investigations	1%	2%	1%
Military Justice-Judiciary	2%	0%	3%
Military Justice-NJP	5%	8%	0%
Military Justice-Records	7%	1%	1%
Other (legal services)	17%	12%	33%
Public Affairs	0%	0%	0%
Training-NJS	0%	0%	1%
(No Area)	0%	1%	0%
HQ/Pay/Travel	1%	0%	0%
Other (non-legal-related services)	38%	12%	19%
Other product area (e.g., security, facility management, administrative)	4%	1%	4%
Training-not NJS/Other	0%	3%	0%

RLSO Northwest manpower requirements – FY08 to FY10

As shown earlier, the RLSO Northwest overall response rate was very high, with all 10 civilians completing the work diary. In addition, 8 of 10 officers completed the work diary, as did 5 of the 8 (63 percent) enlisted personnel. There were also 5 LIMDU participants, but we cannot say what percentage of the eligible LIMDU participants this represented. The billet file lists only those LIMDUs formally assigned to a RLSO office, but does not account for LIMDUs who were part of a labor pool available at the nearest Naval Station, which sometimes can provide additional LIMDUs to a RLSO office.

In Table 4-92, we showed detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 2 trial counsel who completed the diary spent 145.5 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of general courts-martial, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 236.7 hours (1.66 x .98 x 145.5). Applying the appropriate rule for future workload to the other service areas gives us a total of 285.8 hours of expected work (versus the 183.0 total hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO Northwest will require about 3 (versus the current 2) trial counsel—an increase of 1 trial counsel. (We divided 285.8 by 90 to obtain 3.18). Other results for the pre-2003 scenario can be seen in Table 4-98. Applying the same logic in the low case (or post-2003 scenario) yields the officer manpower requirements shown in Table 4-99. Using those low-case (post-2003) assumptions, the requirement is only 2—which is the same as the current number of trial counsel.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by SJAs was assumed to be constant in the near future in spite of the fact that most SJAs have typically long workweeks and demand signals for SJAs are very high. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO NW will need *at least* 9 officers and possibly more, since SJA workload is generally trending upward. So the requirement of 9 is a floor. If we assume that the Navy will remain at post-2003 workloads, RLSO Northwest will need at least 7 officers (compared with the current 10 officers).

Manpower requirements for the enlisted and civilian components of RLSO Northwest are shown in Table 4-100 through 4-105. The same caveats apply because both groups engage in some SJA-related work.

Table 4-98. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

RLSO Northwest officers	Executive	SJA	Trial Counsel	Total officer requirement	Difference requirement from current (10)
Total personnel required '08	2	4	3	9	-1
Total personnel required '09	2	4	3	9	-1
Total personnel required '10	2	4	3	9	-1

Table 4-99. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

RLSO Northwest officers	Executive	SJA	Trial Counsel	Total officer requirement	Difference requirement from current (10)
Total personnel required '08	2	3	2	7	-3
Total personnel required '09	2	3	2	7	-3
Total personnel required '10	2	3	2	7	-3

Table 4-100. Enlisted manpower requirements (pre-2003) – FY08 to FY10

RLSO Northwest enlisted	Enlisted - Executive Support	Enlisted - Legalmen	LIMDU	Total enlisted requirement (without LIMDU)	Difference from current enlisted on board (8)
Total personnel required '08	2	8	5	10	+2
Total personnel required '09	2	8	5	10	+2
Total personnel required '10	2	8	5	10	+2

Table 4-101. Enlisted manpower requirements (post-2003) – FY08 toFY10

RLSO Northwest enlisted	Enlisted - Executive support	Enlisted - Legalmen	LIMDU	Total enlisted (without LIMDU)	Difference from current enlisted on board (8)
Total personnel required '08	2	5	5	7	-1
Total personnel required '09	1	5	5	6	-2
Total personnel required '10	1	5	5	6	-2

Table 4-102. Civilian manpower requirements (pre-2003) – FY08 to FY10 (40-hour workweek)

RLSO Northwest civilian	Adminis-trative	Court Reporter	Paralegal	Total civilian requirement	Difference from current civilian on board (10)
Total personnel required '08	2	1	8	11	+1
Total personnel required '09	2	1	8	11	+1
Total personnel required '10	2	1	8	11	+1

Table 4-103. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

RLSO Northwest civilian	Adminis-trative	Court Reporter	Paralegal	Total civilian requirement	Difference from current civilian on board (10)
Total personnel required '08	2	1	7	10	0
Total personnel required '09	2	1	7	10	0
Total personnel required '10	2	1	7	10	0

Table 4-104. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

RLSO Northwest civilian	Adminis-trative	Court Reporter	Paralegal	Total civilian requirement	Difference from current civilian on board (10)
Total personnel required '08	2	1	7	10	0
Total personnel required '09	2	1	7	10	0
Total personnel required '10	2	1	7	10	0

Table 4-105. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

RLSO Northwest civilian	Adminis-trative	Court Reporter	Paralegal	Total civilian requirement	Difference from current civilian on board (10)
Total personnel required '08	2	1	6	9	-1
Total personnel required '09	2	1	6	9	-1
Total personnel required '10	2	1	6	9	-1

RLSO Northwest summary

The current manpower strength for officers at RLSO Northwest is 10, and 8 of them completed the diary. Our calculations show that, if the current paradigm for mil-justice-related work continues, RLSO Northwest will require 7 officers, for a net decrease of 3. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 9 for a net decrease of 1.

There are 8 enlisted personnel at RLSO Northwest. Using the same requirements logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement decreases by 1 in FY 08, followed by another decrease of 1 enlisted in FY 09, for a net decrease of 2. For the pre-2003 scenario, the enlisted requirement is 10, for a net increase of +2.

The current number of civilians on board at RLSO Northwest is 10. The civilian requirement for post-2003, and a 40-hour workweek, is 10 personnel—exactly the number that is already on board. This increases to 11 civilian personnel under the pre-2003 scenario. If one assumes a 45-hour workweek, the requirements are slightly lower. Using an assumption that workload will remain at post-2003 levels, and a 40-hour workweek, the civilian requirement is 9—1 less than the number of civilians now at RLSO Northwest. The requirement for civilian personnel increases to 10 if pre-2003 assumptions and a 40-hour workweek are used—for a net change of 0.

RLSO Southeast (SE)

Current personnel count

The analysis for RLSO Southeast covers the main RLSO office in Jacksonville, as well as 16 branch offices and 3 detachments (see Table 4-106). At the time of the study, June 2007, 14 of the sites had one or more legal personnel on board. (Other sites had none.)

Table 4-106. Personnel on board at RLSO SE, June 2007 (from RLSC command dashboard)

Site	JAG	LDO	LN	Civilian	Total personnel	JAG IA	LN IA	Personnel less IAs
Mayport	8	1	4	4	17	1	0	16
Jacksonville	10	0	7	8	25	2	1	22
Pensacola	4	0	3	4	11	0	0	11
Key West	1	0	0	0	1	0	0	1
Charleston	0	0	0	0	0	0	0	0
Athens	0	0	0	0	0	0	0	0
Kings Bay	1	0	0	1	2	0	0	2
Fort Gordon	0	0	0	0	0	0	0	0
Marietta	0	0	1	0	1	0	0	1
Meridian	1	0	1	0	2	0	0	2
Gulfport	1	0	1	1	3	0	0	3
Pascagoula	0	0	0	0	0	0	0	0
Keesler AFB	0	0	0	0	0	0	0	0
New Orleans	1	0	2	0	3	0	0	3
Fort Worth	1	0	1	1	3	0	0	3
Kingsville	1	0	0	0	1	0	0	1
Corpus Christi	0	0	2	0	2	0	0	2
Ingleside	0	0	1	0	1	0	0	1
San Antonio	0	0	0	0	0	0	0	0
Guantanamo Bay	1	0	2	0	3	0	0	3
Totals	30	1	25	19	75	3	1	71

Overall, the response rate for the workload survey was very high. As shown in Table 4-107, about 88 percent of all the RLSO personnel at all offices completed at least 1 day of the workload diary. The officer corps had 31 people (including 1 LDO) at the time of the survey, 3 of whom were listed as IAs. Given that the IAs had no access

to the survey, the total possible respondents should have been only 28, yielding an effective participation rate of 100 percent. The LIMDUs also had very high participation. The civilian and enlisted (non-LIMDUs) had the lowest participation rates at 84 and 88 percent, respectively. One enlisted person was an IA. Factoring this in, we get an effective enlisted participation rate of 92 percent. We conclude that our response rate was sufficiently high to capture most of the aspects of RLSO SE's workload.

Table 4-107. RLSO Southeast respondents

Employment status	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Enlisted--LIMDU
Administrative Officer-Manager	1			
Civilian Paralegal	5			
Clerical-Administrative	3			
Court Reporter	2			
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)				1
Enlisted-Legalman (or equivalent Marine)		21		
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)				1
Executive (Director, CO, XO, Special Assistant)			2	
Executive Support (EA, JAG IG, CMC, SEA)		1		
Legal Admin Assistant	4		1	
Resource Management/Contracts/Fiscal	1			
Staff Judge Advocate (SJA) & Command Services			13	
Trial Counsel - Government			12	
Grand Total	***16***	***22***	***28***	***2***
Actual RLSO Total	***19***	***25***	***31***	***2***

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. When the workload is too great for the workforce, and a backlog of work may be developing, stress can be the effect.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the amount of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-108.

Table 4-108. RLSO SE average hours worked by employment status

Current employment status	Total Hours	Total Personnel Reporting	Average Workweek	Average Days Worked	Average Workweek (Adjusted)
Civilian	1,127	16	35.2	8.7	40.5
Enlisted - LIMDU	122	2	30.5	10.0	30.5
Enlisted (including active duty or reserve)	1,472.5	22	33.5	8.2	40.9
Officer (including active duty or reserve)	2,594.5	28	42.6	10.2	42.6
Total Hours	***5,316***	***68***	***39.1***	***9.2***	***42.6***

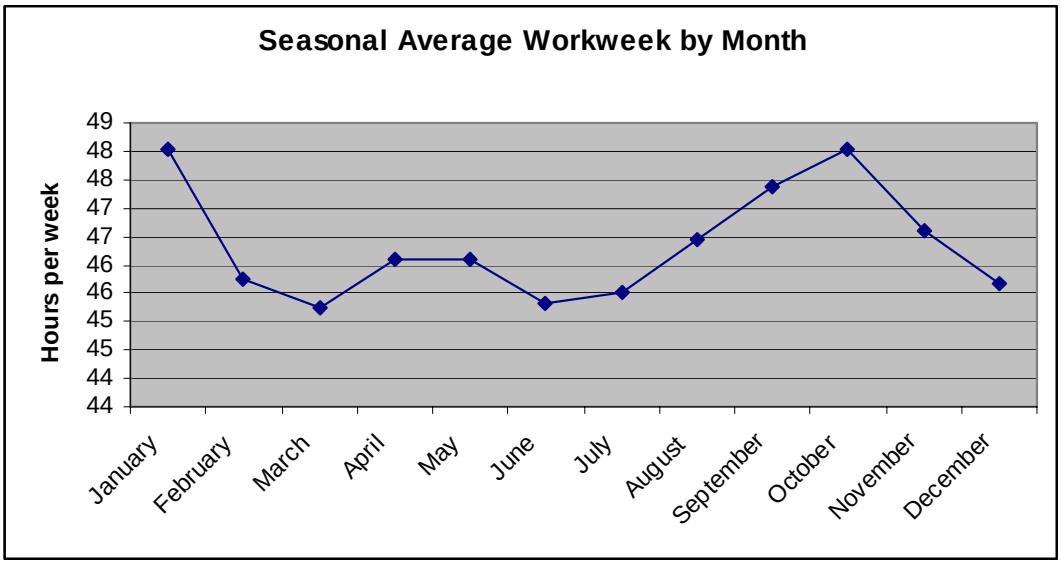
As we can see, the officers had the longest workweek even after adjustments were made to the workweek of the civilians and enlisted. They were followed by the enlisted and civilian personnel, who had very similar average workweek lengths. The LIMDUs had a far shorter average workweek, reflecting the fact that they are more likely to be on sick leave and under other work restrictions.

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 4-11shows what seems to be seasonality in the workload. There is a lull in the workload from February through June; then it resumes in September through November. We interpret this to mean that the personnel at these RLSOs must surge during these months to match the increased workload. Respondents estimated that they work an average of about 46.4 hours per week over the year. In the time frame of our survey, respondents estimated that the average was only 45.3—one

of the lowest months of the year. Thus, we conclude that our survey data are slightly underrepresentative of an average month and should be adjusted up about 1 hour to account for the seasonality effect. We did this by multiplying hours worked by the proportion 46.4/45.3. Although respondents overestimated their average workweek in June (estimating 45.3 when the work diary average was 39.1), we believe that respondents had good reasons to believe that workload slacked off a little in June. For example, many people experience a permanent change of station (PCS) during June, and others take vacation in June.

Figure 4-11. Seasonal workweek by month

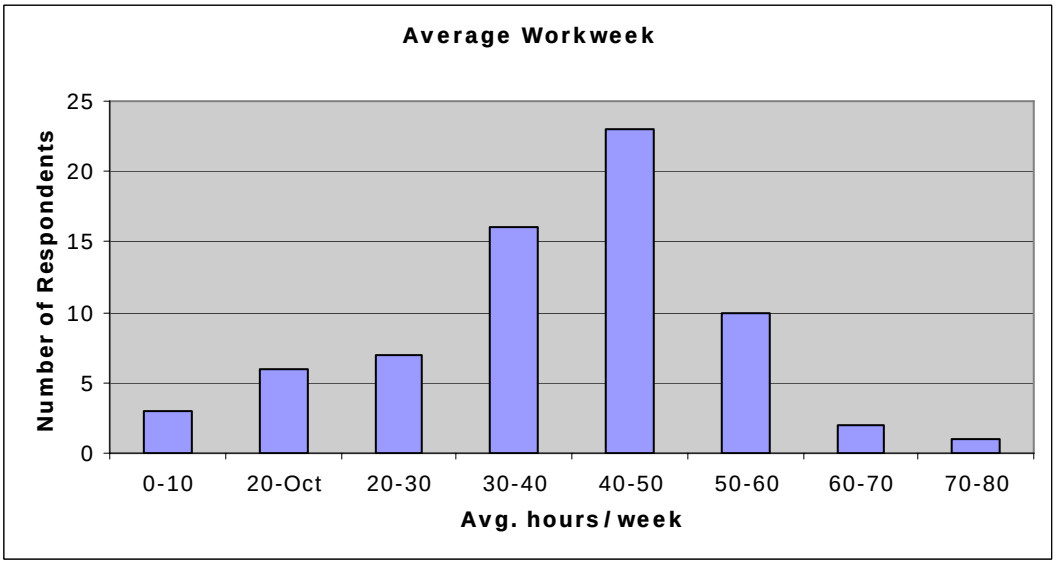


Employees who work over 50 hours per week

The unadjusted average workweek for the RLSOs was 39.1 hours. As mentioned earlier, however, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. Figure 4-12 offers a more complete picture of hours worked per employee. Figure 4-12 shows that 53 percent of the workforce (i.e., 36 employees) worked, on average, 40 plus hours per week during the survey. Further, approximately 19 percent of the workforce (i.e., 13 personnel) actually worked 50 plus hours on a weekly basis. All 13 of these personnel were officers who reported their primary functional areas as either executive, SJA, or trial counsel. From these data, we conclude that, although 13 personnel are working very long hours, the staff, as a

whole, is not very stressed due to the current workload. However, this statement needs to be interpreted in the context that June workload is lighter than most other months of the year. Furthermore, given the highly dispersed staff (in at least 14 sites in June 2007), people's workload can increase quickly without additional onsite staff available to assist. In contrast, larger, more concentrated sites, such as Norfolk and San Diego, can "level load" to some extent because there are additional staff on site to help manage tasks during peak periods, or to provide additional work if someone's work assignments are light.

Figure 4-12. Total unadjusted hours worked during the 2-week reporting period (n = 68)



Indicators that the workforce is cross-tasked too much

Table 4-109 through Table 4-114 offer insights into whether personnel are spending time mostly in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases in which more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-109 and Table 4-110 that, of the total hours worked during the 2-week diary, over 59 percent (1,472/2,594) were related to legal tasks. Other and Admin were two tasks that also accounted for a significant amount of worker hours. This indicates that the officers spend a great deal of their time doing some other ancillary work. We also note that members of the paralegal community spent 41 percent of their time doing administrative tasks. The rest of the functional area tasks accounted individually for small shares of the overall hours.

In the enlisted community, while personnel spent much of their time doing legal tasks, they spent a larger portion of their time doing Admin and Other tasks relative to the officers. LIMDUs in particular spent 51 percent of their time doing admin tasks. Like the officer personnel, the enlisted seem to have a large set of non-legal ancillary duties to perform.

In the civilian community, members also passed much of their time doing work outside their specialty areas, with Admin tasks taking up a significant portion of total hours worked. Further, like the officers, they also spent much time doing other tasks.

In sum, all personnel spent some time doing work outside their specialties. This is especially true for the officers and enlisted. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. Rather, it is probably the case that the positions in a RLSO naturally require that a certain amount of time be spent doing tasks outside one's specialty.

Table 4-109. Distribution of hours by task (officers only)

RLSO SE Officer Table	Admin	Exec/Exec Support	Instructor	Legal	Other	Resource Mgmt	Training	Travel	Grand Total
Executive	42.5	60		30	52	3.5	1	6	195
Paralegal	29	15.5		7	19				70.5
SJA	139	23	6	805	236.5		55.5	1.5	1,266.5
Trial Counsel	104	16.5	10.5	630	205		26	70.5	1,062.5
Total Hours	314.5	115	16.5	1,472	512.5	3.5	82.5	78	2,594.5

Table 4-110. Percentage distribution of hours by task (officers only)

RLSO SE Officer Table	Admin	Exec/Exec Support	Instruc-tor	Legal	Other	Re-source Mgmt	Train-ing	Travel
Executive	22%	31%	0%	15%	**27%**	2%	1%	3%
Paralegal	**41%**	**22%**	0%	10%	**27%**	0%	0%	0%
SJA	11%	2%	0%	64%	**19%**	0%	4%	0%
Trial Counsel	10%	2%	1%	59%	**19%**	0%	2%	7%

Table 4-111. Distribution of hours by task (enlisted only)

RLSO SE Enlisted Table	Admin	Exec/ Exec Spt	Facil-ity	Hu-man Res	Instruc tor	IT	Le-gal	Other	Res Mgmt	Secu-rity	Train-ing	Tra-vel	Grand Total
Enlisted – Executive	58	7.5					10	14	1.5			5.5	96.5
Enlisted – Legalmen	310.5	32	8.5	5.5	31	2.5	639	326.5		10.5	8	2	1376
LIMDU	62.5		3.5		2		41	13					122
Total Hours	431	39.5	12	5.5	33	2.5	690	353.5	1.5	10.5	8	7.5	1,594.5

Table 4-112. Percentage distribution of hours by task (enlisted only)

RLSO SE Enlisted Table	Admin	Exec/ Exec Spt	Facil-ity	Hu-man Res	Instruc tor	IT	Le-gal	Other	Res Mgmt	Secu-rity	Train-ing	Travel
Enlisted – Executive	23%	2%	1%	0%	2%	0%	**46 %**	**24%**	0%	1%	1%	0%
Enlisted – Legalmen	**27%**	2%	1%	0%	2%	0%	43%	**22%**	0%	1%	1%	0%
LIMDU	51%	0%	3%	0%	2%	0%	34%	11%	0%	0%	0%	0%

Table 4-113. Distribution of hours by task (civilian only)

RLSO SE Civilian Table	Admin	Exec/ Exec Spt	Facil-ity	Hu-man Res	Instruc-tor	Legal	Other	Res Mgmt	Training	Travel	Grand Total
Admin	244	10.5		11	9.5	15.5	17	27			334.5
Court Reporter	34.5		4.5	0.5		120	2.5	6.5			168.5
Paralegal	171	1	14.5	1.5	4	323	55.5		1		571.5
Resource Mgmt	23		0.5				2	26		1	52.5
Grand Total	472.5	11.5	19.5	13	13.5	458.5	77	59.5	1	1	1,127

Table 4-114. Percentage distribution of hours by task (civilian only)

RLSO SE Civilian Table	Admin	Exec/ Exec Spt	Facil- ity	Hu- man Res	Instruc- tor	Legal	Other	Res Mgmt	Training	Travel
Admin	73%	3%	0%	3%	3%	5%	5%	8%	0%	0%
Court Reporter	**20%**	0%	3%	0%	0%	71%	1%	4%	0%	0%
Paralegal	**30%**	0%	3%	0%	1%	57%	10%	0%	0%	0%
Resource Mgmt	**44%**	0%	1%	0%	0%	0%	4%	50%	0%	2%

Direct versus indirect hours worked

Table 4-115 through 4-120 show what work product areas were responsible for the total level of effort during the 2-week survey. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In tables 4-115 through 4-120, they are shaded in grey and generally refer to such work output as budget services, human resource services, and so forth.

Officers spent 1,881.5 hours (or about 71 percent of their total time) providing some type of legal service. Trial counsel in particular spent a great deal of their time working on general courts-martial (GCMs), while the SJAs provided a much larger variety of legal services. Enlisted and civilian personnel spent 1,111 hours (70 percent of their total time) and 834 hours (74 percent of their total time) on legal services.

In sum, when looking at how the RLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that the officers spend much more time doing a greater variety of non-legal tasks in creating actual legal services, especially courts-martial. This may be due to the nature of military justice. That is, courts-martial and other related military justice legal services may require a great deal of administrative and other ancillary tasks to be done in support.

Table 4-115. Distribution of hours across product and service areas (officers only)

RLSO SE - Officer Table	Executive	Para-legal	SJA	Trial Counsel	Total Hours
Administrative Law (Ethics)	0.5		43		43.5
Administrative Law (Military Personnel Law)			115.5	43	158.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	1.5		49.5	2	53
Admiralty			5		5
Claims		1	1.5		2.5
Environmental Law (Installation)			20		20
Environmental Law (Operational)			12		12
General Litigation			24		24
International & Operational Law			3	34.5	37.5
International Agreements			3		3
JAGMAN Investigations	0.5	1	39		40.5
Joint Matters			11	71	82
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	4	1	38.5		43.5
Legal Assistance-Taxes			0.5		0.5
Military Justice-Administrative Separations			82	21.5	103.5
Military Justice-Courts-martial	12.5		29	490.5	532
Military Justice-Investigations	4		106	74	184
Military Justice-NJP	2	1	30.5	4.5	38
Military Justice-Records			9	6.5	15.5
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)			16.5	4	20.5
Other (legal services)	73	30.5	214.5	103	421
(No Area)	3		1	7	11
Budget/Fiscal/Comptroller/Acquisitions	1.5		1.5		3
Headquarters/Management/Program Analysis/Policy	9.5		38	9.5	57
Headquarters/Personnel/Pay/Travel	3		19	3.5	25.5
IT Systems and Support			0.5	2.5	3
Other (non-legal-related services)	72	34.5	204.5	161.5	472.5
Other product area (e.g., security, facility management, administrative)	7		76	4	87
Public Affairs			2.5		2.5
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)			1		1
Training-NJS	0.5		1	0.5	2
Training-not NJS/Other	0.5	1.5	68.5	19.5	90
Grand Total	***195***	***70.5***	***1,266.5***	***1,062.5***	***2,594.5***

Table 4-116. Percentage distribution of hours across product and service areas (officers only)

RLSO SE - Officer Table	Executive	Paralegal	SJA	Trial Counsel
Administrative Law (Ethics)	0%	0%	3%	0%
Administrative Law (Military Personnel Law)	0%	0%	9%	4%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	1%	0%	4%	0%
Admiralty	0%	0%	0%	0%
Claims	0%	1%	0%	0%
Environmental Law (Installation)	0%	0%	2%	0%
Environmental Law (Operational)	0%	0%	1%	0%
General Litigation	0%	0%	2%	0%
International & Operational Law	0%	0%	0%	3%
International Agreements	0%	0%	0%	0%
JAGMAN Investigations	0%	1%	3%	0%
Joint Matters	0%	0%	1%	7%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	2%	1%	3%	0%
Legal Assistance-Taxes	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	0%	6%	2%
Military Justice-Courts-martial	6%	0%	2%	46%
Military Justice-Investigations	2%	0%	8%	7%
Military Justice-NJP	1%	1%	2%	0%
Military Justice-Records	0%	0%	1%	1%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	1%	0%
Other (legal services)	37%	43%	17%	10%
(No Area)	2%	0%	0%	1%
Budget/Fiscal/Comptroller/Acquisitions	1%	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	5%	0%	3%	1%
Headquarters/Personnel/Pay/Travel	2%	0%	2%	0%
IT Systems and Support	0%	0%	0%	0%
Other (non-legal-related services)	37%	49%	16%	15%
Other product area (e.g., security, facility management, administrative)	4%	0%	6%	0%
Public Affairs	0%	0%	0%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%
Training-NJS	0%	0%	0%	0%
Training-not NJS/Other	0%	2%	5%	2%

Table 4-117. Distribution of hours across product and service areas (enlisted only)

RLSO SE - Enlisted Table	LIMDU	Enlisted - Executive	Enlisted - Legal-men	Total Hours
Administrative Law (Ethics)			6	6
Administrative Law (Military Personnel Law)			3.5	3.5
Administrative Law (Misc)	2.5		1	3.5
Claims			1.5	1.5
Environmental Law (Installation)	4			4
General Litigation			1	1
JAGMAN Investigations			6.5	6.5
Legal Assistance (e.g., immigration, wills, taxes)		0.5	88	88.5
Legal Assistance-Taxes			2.5	2.5
Military Justice-Administrative Separations		4	216	220
Military Justice-Courts-martial			206	206
Military Justice-Investigations			30.5	30.5
Military Justice-Judiciary			14.5	14.5
Military Justice-NJP		3	103.5	106.5
Military Justice-Records			33	33
Other (legal services)	82.5	3.5	292	378
Public Affairs			0.5	0.5
Training-NJS			5	5
(No Area)			12	12
Budget/Fiscal/Comptroller/Acquisitions		1.5		1.5
Headquarters/Personnel/Pay/Travel			2	2
IT Systems and Support			0.5	0.5
Other (non-legal-related services)	31	84	337	452
Other product area (e.g., security, facility management, administrative)			6.5	6.5
Training-not NJS/Other	2		7	9
Grand Total	***122***	***96.5***	***1376***	***1,594.5***

Table 4-118. Percentage distribution of hours across product and service areas (enlisted only)

RLSO SE - Enlisted Table	LIMDU	Enlisted - Executive	Enlisted - Legalmen
Administrative Law (Ethics)	0%	0%	0%
Administrative Law (Military Personnel Law)	0%	0%	0%
Administrative Law (Misc)	2%	0%	0%
Claims	0%	0%	0%
Environmental Law (Installation)	3%	0%	0%
General Litigation	0%	0%	0%
JAGMAN Investigations	0%	0%	0%
Legal Assistance (e.g., immigration, wills, taxes)	0%	1%	6%
Legal Assistance-Taxes	0%	0%	0%
Military Justice-Administrative Separations	0%	4%	16%
Military Justice-Courts-martial	0%	0%	15%
Military Justice-Investigations	0%	0%	2%
Military Justice-Judiciary	0%	0%	1%
Military Justice-NJP	0%	3%	8%
Military Justice-Records	0%	0%	2%
Other (legal services)	68%	4%	21%
Public Affairs	0%	0%	0%
Training-NJS	0%	0%	0%
(No Area)	0%	0%	1%
Budget/Fiscal/Comptroller/Acquisitions	0%	2%	0%
Headquarters/Personnel/Pay/Travel	0%	0%	0%
IT Systems and Support	0%	0%	0%
Other (non-legal-related services)	25%	87%	24%
Other product area (e.g., security, facility management, administrative)	0%	0%	0%
Training-not NJS/Other	2%	0%	1%

Table 4-119. Distribution of hours across product and service areas (civilian only)

RLSO SE - Civilian Table	Admin	Court Reporter	Para-legal	Re-source Mgmt	Total Hours
Administrative Law (Ethics)	10		15		25
Administrative Law (Military Personnel Law)			22.5		22.5
Administrative Law (Misc-prof resp, direc-tive/instr review, FOIA/PA, etc)	13		6		19
Claims	2		12.5		14.5
Environmental Law (Installation)	1		0.5		1.5
General Litigation			3.5		3.5
JAGMAN Investigations	10		36		46
Joint Matters	3.5				3.5
Law of War			1.5		1.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	5		40.5		45.5
Military Justice-Administrative Separations			37.5		37.5
Military Justice-Courts-martial	80	160	47.5		287.5
Military Justice-Judiciary			1.5		1.5
Military Justice-NJP			6.5		6.5
Military Justice-Records		6.5	0.5		7
Other (legal services)	11.5		286		297.5
Tort Litigation (e.g., MedMal, Toxic, Per-sonal Injury)			7		7
Training-NJS				7.5	7.5
Budget/Fiscal/Comptroller/Acquisitions	2		3.5	37.5	43
Headquarters/Management/Program Analysis/Policy			3.5		3.5
Headquarters/Personnel/Pay/Travel	2				2
Other (non-legal-related services)	179.5	2	23	4	208.5
Other product area (e.g., security, facility management, administrative)	5.5		16.5	3.5	25.5
Training-not NJS/Other	9.5		0.5		10
Grand Total	***334.5***	***168.5***	***571.5***	***52.5***	***1,127***

Table 4-120. Percentage distribution of hours across product and service areas (civilian only)

RLSO SE - Civilian Table	Admin	Court Reporter	Paralegal	Resource Mgmt
Administrative Law (Ethics)	3%	0%	3%	0%
Administrative Law (Military Personnel Law)	0%	0%	4%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	4%	0%	1%	0%
Claims	1%	0%	2%	0%
Environmental Law (Installation)	0%	0%	0%	0%
General Litigation	0%	0%	1%	0%
JAGMAN Investigations	3%	0%	6%	0%
Joint Matters	1%	0%	0%	0%
Law of War	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	1%	0%	7%	0%
Military Justice-Administrative Separations	0%	0%	7%	0%
Military Justice-Courts-martial	24%	95%	8%	0%
Military Justice-Judiciary	0%	0%	0%	0%
Military Justice-NJP	0%	0%	1%	0%
Military Justice-Records	0%	4%	0%	0%
Other (legal services)	3%	0%	50%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	1%	0%
Training-NJS	0%	0%	0%	14%
Budget/Fiscal/Comptroller/Acquisitions	1%	0%	1%	71%
Headquarters/Management/Program Analysis/Policy	0%	0%	1%	0%
Headquarters/Personnel/Pay/Travel	1%	0%	0%	0%
Other (non-legal-related services)	54%	1%	4%	8%
Other product area (e.g., security, facility management, administrative)	2%	0%	3%	7%
Training-not NJS/Other	3%	0%	0%	0%

RLSO SE manpower requirements—FY 08 to FY 10

As shown earlier, the overall response rate to the survey was very high, with 28 of 31 officers (90 percent) completing the work diary. Enlisted and civilian participation was almost as high, with 22 of 25 (88 percent) and 16 of 19 respondents (84 percent). Finally, LIMDU participation was very high, with 2 of 2 LIMDUs responding. We really cannot say that LIMDU participation was perfect, however, since the billet file, where we obtained the list of LIMDUs

assigned to RLSO SE offices, might not have listed all the LIMDUs who were potentially available. The billet file lists only those LIMDUs formally assigned to a RLSO office but does not account for LIMDUs who were part of a labor pool available at the nearest naval station, which sometimes can provide LIMDUs to a RLSO office.

Table 4-115, from earlier, shows detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 12 trial counsel who completed the diary spent 490.5 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 797.9 hours (1.66 x .98 x 490.5). Applying the appropriate rule for future workload to the other service areas gives us a total of 1,637.3 hours of expected work (versus the 1,062.5 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO SE will require about 18 (versus the current 13) officers—an increase of 5 trial counsel (see Table 4-121). Applying the same logic in the low-case (or post-2003) scenario) yields the officer manpower requirements shown in Table 4-122. Using those assumptions, the requirement is only 32—an increase of 1 officer over the current 31.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by SJAs was assumed to be constant in the near future despite the fact that most SJAs have typically long workweeks and demand signals for SJAs are very high. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO SE will need *at*

least 42 personnel and possibly more since SJA workload is generally trending upward.

The following tables (table 4-121 through Table 4-128) show manpower requirements for the enlisted and civilian components of RLSO SE . The same caveats apply because both groups engage in some SJA-related work.

Table 4-121. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

RLSO SE officers	Executive	Paralegal (LDO)	SJA	Trial counsel	Total officer requirement	Difference from current (31)
Total personnel required '08	3	1	19	18	41	+10
Total personnel required '09	3	1	19	18	41	+10
Total personnel required '10	3	1	19	18	41	+10

Table 4-122. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

RLSO SE officers	Executive	Paralegal (LDO)	SJA	Trial counsel	Total officer requirement	Difference from current (31)
Total personnel required '08	2	1	16	13	32	+1
Total personnel required '09	2	1	16	13	32	+1
Total personnel required '10	2	1	16	13	32	+1

Table 4-123. Enlisted manpower requirements (pre-2003) – FY08 to FY10

RLSO SE enlisted	Enlisted--legalmen	Enlisted--exec/exec support	Total non-LIMDU enlisted requirement	Difference from current non-LIMDU enlisted requirement (25)	Enlisted--LIMDU	Difference LIMDU
Total personnel required '08	24	1	25	0	2	0
Total personnel required '09	24	1	25	0	2	0
Total personnel required '10	24	1	25	0	2	0

Table 4-124. Enlisted manpower requirements (post-2003) – FY08 to FY10

RLSO SE officers	Execu-tive	Enlisted--exec /exec support	Total non-LIMDU enlisted requirement	Difference from current non-LIMDU enlisted requirement (25)	Enlisted--LIMDU	Difference LIMDU
Total personnel required '08	17	1	18	-7	2	0
Total personnel required '09	17	1	18	-7	2	0
Total personnel required '10	17	1	18	-7	2	0

Table 4-125. Civilian manpower requirements (pre-2003) – FY08 to FY10 (40-hour workweek)

RLSO SE civilians (40-hour)	Admin	Court reporter	Para-legal	Resource Mgmt	Total civilian requirement	Difference from current (19)
Total personnel required '08	7	5	11	1	24	+5
Total personnel required '09	7	5	11	1	24	+5
Total personnel required '10	7	5	11	1	24	+5

Table 4-126. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

RLSO SE civilians (40-hour)	Admin	Court reporter	Para-legal	Resource Mgmt	Total civilian requirement	Difference from current (19)
Total personnel required '08	6	3	10	1	20	+1
Total personnel required '09	6	3	10	1	20	+1
Total personnel required '10	6	3	10	1	20	+1

Table 4-127. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

RLSO SE civilians (45-hour)	Admin	Court reporter	Para-legal	Resource Mgmt	Total civilian requirement	Difference from current (19)
Total personnel required '08	6	4	10	1	21	+2
Total personnel required '09	6	4	10	1	21	+2
Total personnel required '10	6	4	10	1	21	+2

Table 4-128. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

RLSO SE civilians (45-hour)	Admin	Court reporter	Para-legal	Resource Mgmt	Total civilian requirement	Difference from current (31)
Total personnel required '08	5	2	8	1	16	-3
Total personnel required '09	5	2	8	1	16	-3
Total personnel required '10	5	2	8	1	16	-3

RLSO Southeast (SE) summary

The current manpower strength for officers at RLSO SE is 31, and 28 of them answered the diary. Our calculations show that, if the current paradigm for mil-justice-related work continues, RLSO SE will require 32 officers, for a net increase of 1. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 41, for a net change of 10.

There are currently 25 enlisted personnel at RLSO SE. Using the same requirements logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement decreases to 18, for a net decrease of 7. For the pre-2003 scenario, the enlisted requirement is 25—the current number of enlisted personnel. There is a large difference for the legalmen (a requirement of 18 versus 25) because their work is concentrated in admin separations, military justice NJP, and military justice courts-martial. These three product areas have very different workloads, depending on whether mil-justice work remains at post-2003 levels or jumps back up to the level it was before 2003.

The current number of civilians on board is 19. Civilian requirement for post-2003 levels, and a 40-hour workweek, is 20 personnel versus the current 19—an increase of 1 civilian. This rises to 24 personnel under the pre-2003 scenario, for an increase of 5 civilians. If one assumes a 45-hour workweek, the requirements are slightly lower. Using an assumption that workload will remain at post-2003 levels, and a 40-hour workweek, the civilian requirement is 20—one more than the number of civilians they have now. If, however, one chooses to assume a 40-hour workweek, and a return to pre-2003 military justice workloads, the civilian requirement is 24—which is 5 greater than the current 19 civilians. The civilian requirements are slightly smaller than these, if a 45-hour workweek is assumed.

RLSO Hawaii

Current personnel count

The analysis for RLSO Hawaii covers the main RLSO office in Pearl Harbor. Overall, the response rate for the workload survey was very high. As shown in Table 4-129, approximately 78 percent of all the RLSO personnel completed at least 1 day of the workload diary. The enlisted (non-LIMDUs) had the lowest participation rate, at 50 percent, while the officers and civilians were much better represented in the sample with 88.9 and 87.5 percent participation rates, respectively. However, the enlisted rate must be viewed in light of the fact that one of them, while technically still on the RLSO's personnel roll, is actually supporting operations as an independent augmentee (IA). Further, one officer was also acting as an IA and was not able to complete the survey.

Table 4-129. RLSO Hawaii respondents

Employment Status	Civilian	Enlisted (incl. active duty or reserve)	Officer (incl. active duty or reserve)	Grand Total
Administrative Officer-Manager	1			1
Civilian Paralegal	4			4
Clerical-Administrative	1			1
Court Reporter	1			1
Enlisted-Legalman (or equivalent Marine)		2		2
Executive (Director, CO, XO, Special Assistant)			2	2
Executive Support (EA, JAG IG, CMC, SEA)		1		1
Staff Judge Advocate (SJA) & Command Services			3	3
Trial Counsel - Government			3	3
Grand Total	***7***	***3***	***8***	***18***
Actual RLSO Total	***8***	***6***	***9***	***23***

We also note that all of the employee types (officer, enlisted, and civilian) are largely composed of attorneys and other legal professionals. The RLSOs have a modest administrative staff and no personnel working in other overhead positions (IT, resource management, human resources, etc.).

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that period, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to account for this. To do so, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-130.

Table 4-130. RLSO Hawaii average hours worked by employment status

Employment status	Total Hours	Total Personnel Reporting	Average Workweek	Average Days Worked	Average Workweek (Adjusted)
Civilian	599.5	7	42.8	8.7	49.3
Enlisted (including active duty or reserve)	216.5	3	36.1	10.0	36.1
Officer (including active duty or reserve)	750.0	8	46.9	8.2	57.3
Grand Total	***1,566.0***	***18***	***43.5***	***9.9***	***43.8***

As we can see, the officers had the longest workweek even after adjustments were made. They were followed by the civilians and the enlisted personnel. Relative to many other RLSOs examined, the Hawaii office exhibited a somewhat higher average workweek, especially among the officers whose average workweek was above 45 hours. We interpret this to mean that the office as a whole is somewhat stressed with a possible backlog of work.

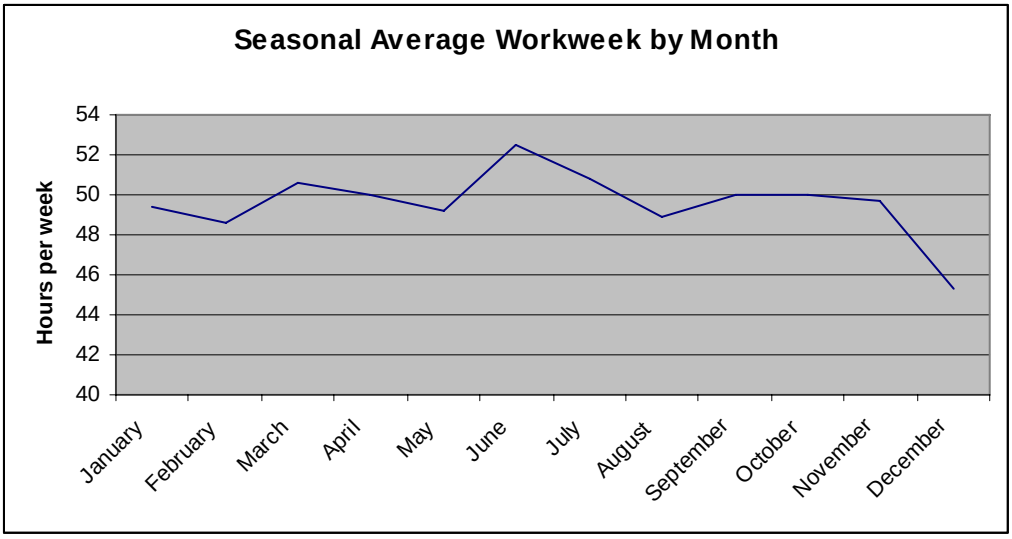
Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload

and to make sure our survey occurred during an average work month (versus a seasonal high or low).

Figure 4-13 shows that the average workweek in June (52.5 hours) was actually noticeably higher than the yearly average of 49.6 hours. Thus, we conclude that, for purposes of determining requirements, we will multiply hours by 49.6/52.5, or .945, to approximate a normal work month.

Figure 4-13. Seasonal average workweek by month RLSO Hawaii

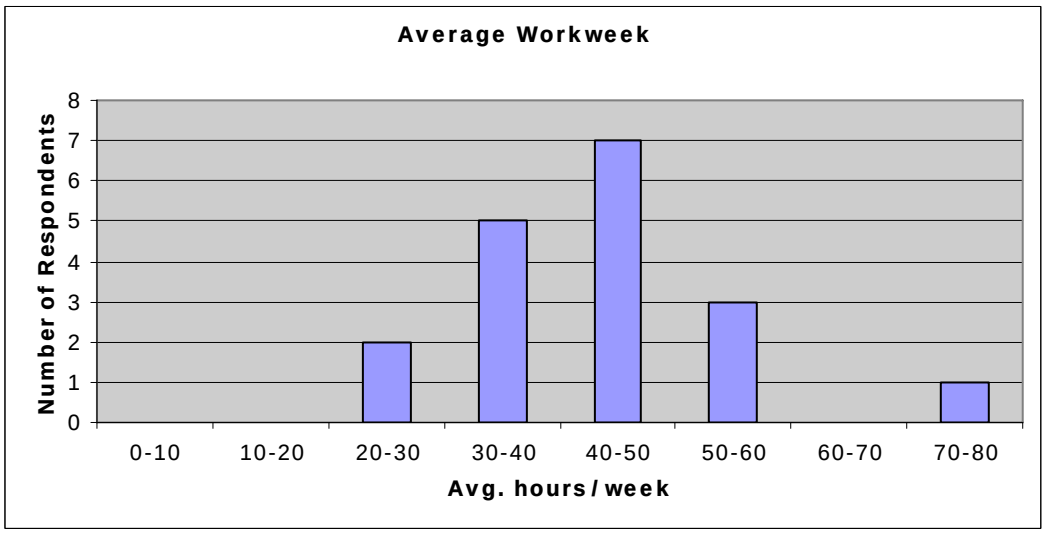


Employees who work over 50 hours per week

The unadjusted average workweek for the RLSO was 43.5 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 4-14 offers a more complete picture of hours worked per employee. Specifically, 11/18 employees, or 61 percent of the workforce, worked 40 plus hours per week during the survey. Further, approximately 23 percent of the workforce (i.e., 4 personnel) actually worked an average of over 50 hours. All 4 were officers who reported their primary functional areas as either executive or trial counsel. This was a very high level of personnel working lengthy workweeks. From these data, we conclude that the office as a whole is somewhat stressed with a possible backlog of work.

Figure 4-14. Total unadjusted hours worked during the 2-week reporting period (n = 18)



Indicators that the workforce is cross-tasked too much

Table 4-131 through Table 4-136 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 4-132 that, of the total hours worked during the 2-week diary, over 41 percent (306.5/750) were related to legal tasks. Executive support and Other were two tasks that also accounted for a significant number of worker hours. This indicates that the officers spend a great deal of their time either engaged in executive duties or doing some other ancillary work. We also note that the SJAs and trial counsel spent very little time doing administrative tasks. The rest of the functional

area tasks accounted individually for small shares of the overall hours.

Like the officers, enlisted community members spent much time doing Other tasks. More troubling, the legalmen spent a significant portion of their time doing administrative tasks and only 38 percent of their time doing legal tasks.

The civilian community, in general, spent a great deal of time doing administrative tasks. That is to be expected for those whose primary functional area is Administrative. However, the court reporter and paralegals also seemed to do many administrative versus legal tasks. Note that civilians did not spend as much time doing ancillary duties as the officer and enlisted personnel.

In sum, all personnel spent some time doing work outside their specialties. This is especially true for the civilians and enlisted. However, given that the SJAs and trial counsel spent little time doing administrative tasks, we conclude that there is probably little stress due to cross-tasking.

Table 4-131. Distribution of hours by task (officers only)

RLSO Hawaii - Officer Table	Ad-min	Exec/ Exec Spt	Instruc-tor	Legal	Other	Re-source Mgmt	Security	Training	Travel	Grand Total
Executive	63.5	77		4.5	51	4	1	9	48	258
SJA	11.5	8.5	1.5	132.5	66.5			4.5		225
Trial Counsel	21	16	14	169.5	44.5			2		267
Grand Total	***96***	***101.5***	***15.5***	***306.5***	***162***	***4***	***1***	***15.5***	***48***	***750***

Table 4-132. Percentage distribution of hours by task (officers only)

RLSO Hawaii - Officer Table	Admin	Exec/Exec Support	Instructor	Legal	Other	Resource Mgmt	Security	Training	Travel
Executive	**25%**	30%	0%	2%	**20%**	2%	0%	3%	19%
SJA	5%	4%	1%	59%	**30%**	0%	0%	2%	0%
Trial Counsel	8%	6%	5%	63%	**17%**	0%	0%	1%	0%

Table 4-133. Distribution of hours by task (enlisted only)

RLSO Hawaii - Enlisted Table	Admin	Exec/Exec Support	Human Re-sources	Instruc-tor	Legal	Other	Training	Grand Total
Enlisted - Executive	21.5	12.5		5	7	20		66
Enlisted - Legalmen	31		7.5	2	57.5	46.5	6	150.5
Grand Total	***52.5***	***12.5***	***7.5***	***7***	***64.5***	***66.5***	***6***	***216.5***

Table 4-134. Percentage distribution of hours by task (enlisted only)

RLSO Hawaii - Enlisted Table	Admin	Exec/Exec Support	Human Resources	Instructor	Legal	Other	Training
Enlisted - Executive	33%	19%	0%	8%	11%	**30%**	0%
Enlisted - Legalmen	**21%**	0%	5%	1%	38%	**31%**	4%

Table 4-135. Distribution of hours by task (civilian only)

RLSO Hawaii - Civilian Table	Ad-min	Exec/ Exec Spt	Facility	Hu-man Res	Instruc-tor	IT	Legal	Other	Res Mgmt	Train-ing	Tra-vel	Grand Total
Admin	117.5	4	5.5	3	5	3	9	31	14	2		194
Court Reporter	63.5				1.5		13.5	5.5		3.5		87.5
Paralegal	111.5	1			5		128.5	60.5		8.5	3	318
Grand Total	***292.5***	***5***	***5.5***	***3***	***11.5***	***3***	***151***	***97***	***14***	***14***	***3***	***599.5***

Table 4-136. Percentage distribution of hours by task (civilian only)

RLSO Hawaii - Civilian Table	Ad-min	Exec/ Exec Spt	Facility	Hu-man Res	Instruc-tor	IT	Legal	Other	Res Mgmt	Train-ing	Travel
Admin	61%	2%	3%	2%	3%	2%	5%	**16%**	7%	1%	0%
Court Reporter	**73%**	0%	0%	0%	2%	0%	15%	6%	0%	4%	0%
Paralegal	**35%**	0%	0%	0%	2%	0%	40%	**19%**	0%	3%	1%

Direct versus indirect hours worked

Table 4-137 through Table 4-142 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor, the other main group of work, refers to outputs that *support* the JAG community. This could also be considered overhead. In tables 4-137 through 4-142, they are shaded in grey and usually refer to such work output as budget services, human resource services, and the like.

Officers spent 382 hours (about 51 percent of their total time) providing some type of legal service. This number is somewhat lower relative to the other RLSOs which, proportionately, spend more time providing legal services. Trial counsels spent a great deal of their time working on general courts-martial (GCMs), while the SJAs provided a much larger variety of legal services and non-legal service. The executive officers (CO, XO, Director, etc.) skewed the officer numbers away from legal services by spending almost 90 percent of their time providing non-legal services.

Enlisted and civilian personnel spent 135 hours (63 percent of their total time) and 453 hours (76 percent of their total time) on legal services,.

In sum, when looking at how the RLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that the officers spend more time doing a greater variety of non-legal tasks in creating actual legal services, especially courts-martial. This may be due to the nature of military justice. That is, courts-martial and other related military justice legal services may require a great deal of administrative and other ancillary tasks to be done in support.

Table 4-137. Distribution of hours across product and service areas (officers only)

RLSO Hawaii - Officer Table	Executive	SJA	Trial Counsel	Grand Total
Administrative Law (Ethics)		11.5	0.5	12
Administrative Law (Military Personnel Law)		5.5		5.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)		16		16
Admiralty		0.5		0.5
Claims		3		3
International & Operational Law			1	1
JAGMAN Investigations		23.5		23.5
Law of War		0.5		0.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		0.5		0.5
Military Justice-Administrative Separations		13	4	17
Military Justice-Courts-martial	5.5	20	132	157.5
Military Justice-Investigations	3	11	17	31
Military Justice-National Security Cases	1.5		2	3.5
Military Justice-NJP		5.5		5.5
Military Justice-Records	0.5		1	1.5
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)			1.5	1.5
Other (legal services)	9.5	11	56	76.5
Training-NJS			0.5	0.5
(No Area)		12.5		12.5
Headquarters/Management/Program Analysis/Policy	1	11.5	4	16.5
Headquarters/Personnel/Pay/Travel	0.5	3.5	19.5	23.5
IT Systems and Support	1	0.5	2.5	4
Other (non-legal-related services)	93.5	45.5	19.5	158.5
Other product area (e.g., security, facility management, administrative)	135	17	1	153
Training-not NJS/Other	7	13	5	25
Grand Total	***258***	***225***	***267***	***750***

The enlisted and civilian personnel spend more time, proportionately, providing some form of legal service. This would imply the opposite of the case for the officers. That is, the nature of the work of enlisted and civilian personnel requires less administrative or ancillary tasks to be done in support.

Table 4-138. Percentage distribution of hours across product and service areas (officers only)

RLSO Hawaii - Officer Table	Executive	SJA	Trial Counsel
Administrative Law (Ethics)	0%	5%	0%
Administrative Law (Military Personnel Law)	0%	2%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	7%	0%
Admiralty	0%	0%	0%
Claims	0%	1%	0%
International & Operational Law	0%	0%	0%
JAGMAN Investigations	0%	10%	0%
Law of War	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%
Military Justice-Administrative Separations	0%	6%	1%
Military Justice-Courts-martial	2%	9%	49%
Military Justice-Investigations	1%	5%	6%
Military Justice-National Security Cases	1%	0%	1%
Military Justice-NJP	0%	2%	0%
Military Justice-Records	0%	0%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	1%
Other (legal services)	4%	5%	21%
Training-NJS	0%	0%	0%
(No Area)	0%	6%	0%
Headquarters/Management/Program Analysis/Policy	0%	5%	1%
Headquarters/Personnel/Pay/Travel	0%	2%	7%
IT Systems and Support	0%	0%	1%
Other (non-legal-related services)	36%	20%	7%
Other product area (e.g., security, facility management, administrative)	52%	8%	0%
Training-not NJS/Other	3%	6%	2%

Table 4-139. Distribution of hours across product and service areas (civilians only)

RLSO Hawaii - Enlisted Table	Enlisted - Executive	Enlisted - Legalmen	Grand Total
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		2.5	2.5
Military Justice-Administrative Separations	0.5	19.5	20
Military Justice-Courts-martial		7	7
Military Justice-Investigations		2.5	2.5
Military Justice-NJP	3	32.5	35.5
Military Justice-Records		3	3
Other (legal services)	16	40	56
Training-not NJS/Other	5.5	3.5	9
(No Area)	1.5	9.5	11
Other (non-legal-related services)	35.5	29	64.5
Other product area (e.g., security, facility management, administrative)	4	1.5	5.5
Grand Total	***66***	***150.5***	***216.5***

Table 4-140. Percentage distribution of hours across product and service areas (civilians only)

RLSO Hawaii - Enlisted Table	Enlisted - Executive	Enlisted - Legalmen
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	2%
Military Justice-Administrative Separations	1%	13%
Military Justice-Courts-martial	0%	5%
Military Justice-Investigations	0%	2%
Military Justice-NJP	5%	22%
Military Justice-Records	0%	2%
Other (legal services)	24%	27%
Training-not NJS/Other	8%	2%
(No Area)	2%	6%
Other (non-legal-related services)	54%	19%
Other product area (e.g., security, facility management, administrative)	6%	1%

Table 4-141. Distribution of hours across product and service areas (enlisted only)

RLSO Hawaii - Civilian Table	Admin	Court Reporter	Para-legal	Grand Total
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)			33	33
Claims			2	2
JAGMAN Investigations			20	20
Joint Matters			1.5	1.5
Military Justice-Courts-martial		31.5	85.5	117
Military Justice-Investigations			0.5	0.5
Military Justice-Judiciary	1	54.5		55.5
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)			42.5	42.5
Other (legal services)	76.5		92	168.5
Training-NJS			0.5	0.5
Training-not NJS/Other	1.5		10.5	12
(No Area)			1	1
Budget/Fiscal/Comptroller/Acquisitions	14.5			14.5
Headquarters/Management/Program Analysis/Policy			5.5	5.5
Headquarters/Personnel/Pay/Travel			1.5	1.5
IT Systems and Support	6		2.5	8.5
Other (non-legal-related services)	54.5		6.5	61
Other product area (e.g., security, facility management, administrative)	40	1.5	13	54.5
Grand Total	***194***	***87.5***	***318***	***599.5***

Table 4-142. Percentage distribution of hours across product and service areas (enlisted only)

RLSO Hawaii - Civilian Table	Admin	Court Reporter	Paralegal
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	0%	10%
Claims	0%	0%	1%
JAGMAN Investigations	0%	0%	6%
Joint Matters	0%	0%	0%
Military Justice-Courts-martial	0%	36%	27%
Military Justice-Investigations	0%	0%	0%
Military Justice-Judiciary	1%	62%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	13%
Other (legal services)	39%	0%	29%
Training-NJS	0%	0%	0%
Training-not NJS/Other	1%	0%	3%
(No Area)	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	7%	0%	0%
Headquarters/Management/Program Analysis/Policy	0%	0%	2%
Headquarters/Personnel/Pay/Travel	0%	0%	0%
IT Systems and Support	3%	0%	1%
Other (non-legal-related services)	28%	0%	2%
Other product area (e.g., security, facility management, administrative)	21%	2%	4%

RLSO Hawaii manpower requirements—FY 08 to FY 10

As shown earlier in Table 4-129, the overall response rate to the survey was high for officers—with eight of nine responding—and for civilians—with seven of eight responding. However, participation for enlisted personnel was only about 50 percent, with three of six personnel completing the work diary for at least 1 day. As a result, we had to statistically correct for the low response rate of enlisted legalmen. We did so by assuming that those legalmen who responded were similar to those who did not respond. We multiplied the hours worked by the three legalman respondents by two, to simulate the hours required for the six legalmen who are currently at RLSO Hawaii.

Table 4-137 shows detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the three trial counsel who completed the diary spent 132 hours doing court-martial work (General Courts-Martial, or GCMs). This first needs to be increased by a factor of 9/8, or 1.125, to compensate for the fact that only eight of nine officers completed the work diary. (In essence, we are assuming that the officer who did not complete the work diary was, in fact, working a similar number of hours to those who did.) In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 241.6 hours (1.125 x 1.66 x .98 x 132). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 416.2 hours of expected work (versus the 267 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO Hawaii will require about five (versus the current three) trial counsels (see Table 4-143). Applying the same logic in the low-case (or post-2003) scenario yields the officer manpower requirements shown in Table 4-144.

Table 4-145 to Table 4-150 contain the personnel requirements that we computed. We caveat these results by reiterating that in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future in spite of the fact that most trial counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO Hawaii will need *at least* five trial counsel.

Manpower requirements for the enlisted and civilian components of RLSO Hawaii are shown in the following tables. The same caveats apply for both enlisted and civilian groups as for the officers. Note that, whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used both a 40-hour and a 45-hour workweek in defining the number of civilians. The 40-hour workweek for civilians is actually slightly higher than the federally mandated level of 35 hours per civilian.

Table 4-143. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

RLSO Hawaii officer reqts	Executive	SJA	Trial Counsel	Total officer requirement	Difference versus current
Total personnel required '08	3	3	5	11	+2
Total personnel required '09	3	3	5	11	+2
Total personnel required '10	3	3	5	11	+2

Table 4-144. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

RLSO Hawaii officer reqts	Executive	SJA	Trial Counsel	Total officer requirement	Difference versus current
Total personnel required '08	3	3	3	9	0
Total personnel required '09	3	3	3	9	0
Total personnel required '10	3	3	3	9	0

Table 4-145. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

RLSO Hawaii enlisted reqts	Executive enlisted	Legalmen	Total enlisted require-ment	Difference from current
Total personnel required '08	1	4	5	-1
Total personnel required '09	1	4	5	-1
Total personnel required '10	1	4	5	-1

Table 4-146. Enlisted manpower requirements (post-2003-lower – FY08 to FY10

RLSO Hawaii enlisted reqts	Executive enlisted	Legalmen	Total enlisted require-ment	Difference from current
Total personnel required '08	1	3	4	-2
Total personnel required '09	1	3	4	-2
Total personnel required '10	1	3	4	-2

Table 4-147. Civilian manpower requirements (pre-2003—higher) – FY08 to FY10 (40-hour workweek)

RLSO Hawaii civilians	Administrative/ Managerial	Court reporter	Para-legal	Total civilian requirement	Difference from current
Total personnel required '08	3	2	6	11	+3
Total personnel required '09	3	2	6	11	+3
Total personnel required '10	3	2	6	11	+3

Table 4-148. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

RLSO Hawaii civilians	Administrative/ Managerial	Court reporter	Para-legal	Total civilian requirement	Difference from current
Total personnel required '08	3	1	5	9	+1
Total personnel required '09	3	1	5	9	+1
Total personnel required '10	3	1	5	9	+1

Table 4-149. Civilian manpower requirements (pre-2003—higher) – FY08 to FY10 (45-hour workweek)

RLSO Hawaii civilians	Administrative/ Managerial	Court reporter	Para-legal	Total civilian requirement	Difference from current
Total personnel required '08	3	2	5	10	+2
Total personnel required '09	3	2	5	10	+2
Total personnel required '10	3	2	5	10	+2

Table 4-150. Civilian manpower requirements (post-2003, lower) – FY08 to FY10 (45-hour workweek)

RLSO Hawaii civilians	Administrative/ Managerial	Court reporter	Para-legal	Total civilian requirement	Difference from current
Total personnel required '08	3	1	4	8	0
Total personnel required '09	3	1	4	8	0
Total personnel required '10	3	1	4	8	0

We should note that, for the purpose of setting requirements, we have adjusted the hours personnel worked by using the seasonality data that respondents provided. Recall that the average hours worked per week in June (52.5) was considerably higher than the average hours worked per week during other times of the year (49.6). Thus, we multiplied hours by 49.6/52.5, or .945, to approximate a normal work month in the setting of requirements.

RLSO Hawaii summary

The current manpower strength at RLSO Hawaii is 23, of which 18 answered the work diary. One officer and one enlisted legalman, however, were IAs and were not involved with the work being done at these commands. Our calculations show that, on one hand, if the current paradigm for mil-justice-related work continues, RLSO Hawaii will require 9 officers, for a net change of 0. This assumes that the slight reduction in Navy manpower over the next 3 years does not produce a significant drop in workload. On the other hand, if the paradigm shifts back to the pre-2003 paradigm, the officer requirement increases to about 11, for a net change of +2.

Using the same logic for the civilian and enlisted personnel yields similar results. If the current paradigm (post-2003 workload, which is lower) continues, the enlisted requirement drops to about 4, from the current level of 6—a reduction of 2 personnel. For the pre-2003 scenario, which has higher workload, the enlisted requirement is 5, which is a reduction of 1 enlisted person.

Using a 40-hour workweek, civilian requirements for lower, post-2003 workload are 9 personnel versus the current 8. This rises to 11 personnel under the pre-2003 scenario, which is 3 more than the number of civilians currently working at RLSO Hawaii.

If one decides that civilians should have 45-hour workweeks, the civilian requirements change slightly. As shown in the tables, there is a requirement for 8 civilians at RLSO Hawaii assuming the post-2003 lower workload and a 45-hour workweek. This represents no change from the current civilian requirement. Table 21 shows that the number of civilians required rises to 10, using the assumption that workload returns to the pre-2003 level and a 45-hour workweek; this would be a net increase of 2 civilians.

RLSO Japan

Current personnel count

The analysis for RLSO Japan covers the main RLSO office in Yokosuka as well as the branch offices in Diego Garcia, Guam, Kadena AFB, Misawa, Atsugi, and Sasebo (see Table 4-151 for the total number of respondents). At the time of this study, there were no JAG Corps personnel in Singapore.

Table 4-151. RLSO Japan respondents

Primary Functional Area	Civilian	Enlisted - LIMDU	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)
Administrative Officer-Manager	1			
Civilian Paralegal	8			
Claims Technician	1			
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)		1		
Enlisted--Electronics (e.g., ST, FC, ET, AT)		1		
Enlisted-Legalman (or equivalent Marine)			7	
Enlisted-Legalman Court Reporter			1	
Enlisted--Seamanship, Navigation (e.g., SN, BM, QM)		2		
Executive (Director, CO, XO, Special Assistant)				1
Executive Support (EA, JAG IG, CMC, SEA)	1			
Legal Admin Assistant	5			
Resource Management/Contracts/Fiscal	1			
Staff Judge Advocate (SJA) & Command Services				6
Trial Counsel - Government				5
Grand Total	17	4	8	12
Actual RLSO Total	19	2	12	16

Overall, the response rate for the workload survey was very high. From Table 4-152, we note that about 84 percent of all the RLSO personnel at all offices completed at least 1 day of the workload diary. The response rate was even higher when we consider that one officer and two enlisted were listed as IAs, and so could not complete the work diary, The LIMDU response was greater than the ac-

tual number of LIMDUs technically on staff, possibly due to a slightly outdated count of LIMDUs.

We also note that most of the employee types for civilian, enlisted, and officer are largely composed of attorneys and other legal professionals. The RLSOs have a minimal administrative staff and one civilian working in resource management.

Table 4-152. RLSO Japan average hours worked by employment status

Current Employment Status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Work-week (Adjusted)
Civilian	1,356	17	39.9	9.5	41.9
Enlisted - LIMDU	305	4	38.1	9.4	40.7
Enlisted (including active duty or reserve)	586.5	8	36.7	9.8	37.6
Officer (including active duty or reserve)	1,101.5	12	45.9	8.3	55.6
Total Hours	3,349	41	40.8	9.4	43.3

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing.

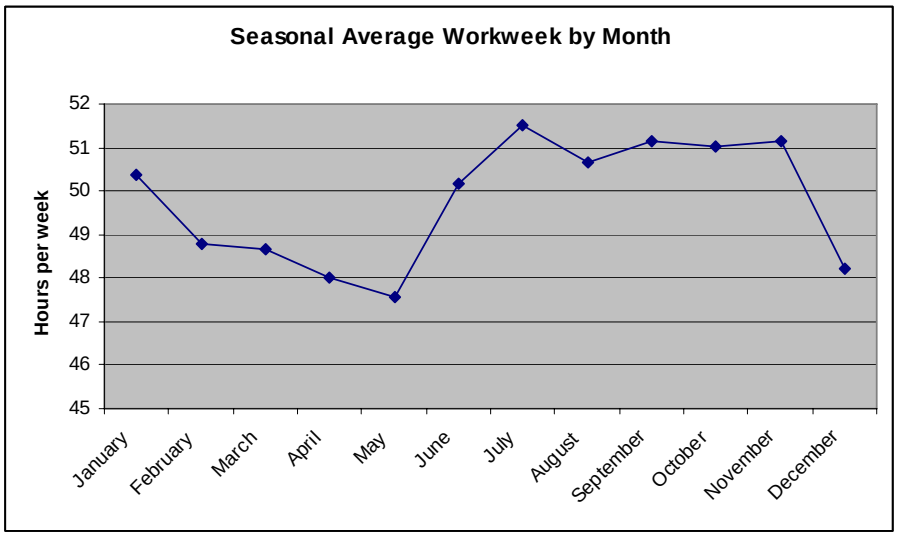
The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual RLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to account for this. To do so, we examined the average days worked as measured by the amount of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a “typical” 5-day workweek. These results are in Table 4-153.

The officers had the longest workweek, especially when adjusted, which indicates that there is probably some stress among the officers. The rest of the personnel, however, recorded workweeks right around a 40-hour average. With the exception of the officer community, the command as a whole does not seem to be very stressed.

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Note that the average workweek for every month was high than those recorded in the work diary (even after adjustments were made). We attribute this to some estimation error on behalf of the respondents. However, from a relative point of view, June does not stand out as either a high or low month (in fact, it is right at the yearly average). Thus, while the entire curve in Figure 4-15 is probably higher than the actual workweek, the fact that June is neither high nor low indicates that our workload diary represents an average month for the commands.

Figure 4-15. Seasonal workweek by month

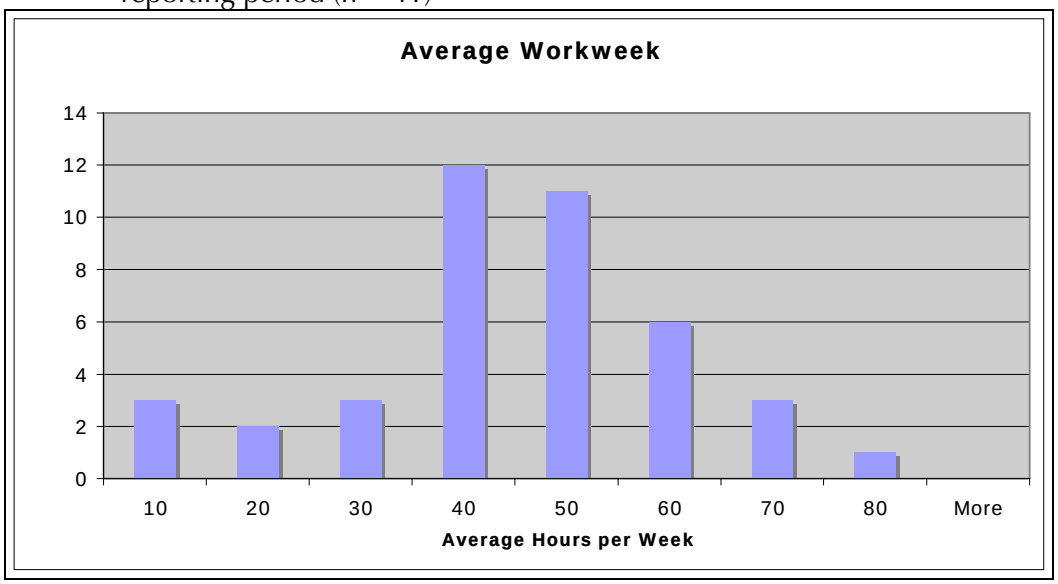


Employees who work over 50 hours per week

The unadjusted average workweek for the RLSO was 40.8 hours. As mentioned earlier, this included respondents who worked less than

a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. Figure 4-16 offers a more complete picture of hours worked per employee. Specifically, 21 employees (or 51 percent of the respondents) worked 40 plus hours per week during the survey. Further, about 24 percent of the workforce (i.e., 10 employees) actually worked over 50 hours on a weekly basis. Seven of those 10 were officers, including 4 SJAs, 2 civilians, and 1 executive. Two civilians and 1 LIMDU also had hours in excess of 50.

Figure 4-16. Total unadjusted hours worked during the 2-week reporting period (n = 41)



Indicators that the workforce is cross-tasked too much

Table 4-153 through Table 4-158 offer insights into whether personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table4-153 that, of the total hours worked during the 2-week diary, over 53 percent (580/1,101.5) were related to legal tasks. Admin and Other were two tasks that also accounted for a significant amount of worker hours. This indicates that the officers spend a great deal of their time either working administrative issues or doing some other ancillary work. Even so, we note that the officers working in a legal capacity do spend most of their time doing legal tasks and seem fairly focused on tasks related to their jobs.

The civilian community spends a great deal of time doing administrative tasks. While not an issue with non-legal personnel, the fact that paralegals and the claims attorneys are doing a great deal of administrative work may be a problem. For example, the paralegals spend 53 percent of their time doing administrative tasks and only 37 percent of their time doing legal tasks.

The enlisted community also spends a significant amount of time working on administrative tasks and only a small portion on legal tasks. The Other task category also accounted for a significant portion of their time.

In sum, all personnel spent some time doing work outside their specialties. The officers seemed more focused on doing tasks within their specialties, while the civilians and enlisted did a wider variety of tasks.

Table 4-153. Distribution of hours by task (officers only)

RLSO JAPAN Officer Table	Admin	Exec/ Exec Support	Instruc-tor	Legal	Other	Res Mgmt	Secu-rity	Train-ing	Travel	Grand Total
Executive	18	45		6.5	30.5	9	1			110
SJA	67.5	19	13.5	310	116			67	14	607
Trial Counsel	25	5.5	3	264	69.5			3.5	14	384.5
Total Hours	110.5	69.5	16.5	580.5	216	9	1	70.5	28	1,101.5

Table 4-154. Percentage distribution of hours by task (officers only)

RLSO JAPAN Officer Table	Admin	Exec/ Exec Support	Instructor	Legal	Other	Res Mgmt	Secu-rity	Train-ing	Travel
Executive	16%	41%	0%	6%	28%	8%	1%	0%	0%
SJA	11%	3%	2%	51%	19%	0%	0%	11%	2%
Trial Counsel	7%	1%	1%	69%	18%	0%	0%	1%	4%

Table 4-155. Distribution of hours by task (civilians only)

RLSO JAPAN Civilian Table	Ad-min	Exec/ Exec Spt	Facility	Hu-man Res	In-struc-tor	IT	Legal	Other	Res Mgmt	Train-ing	Tra-vel	Grand Total
Administrative	18			4.5				5				27.5
Claims Attorney/ Technician	20.5					4	49	5				78.5
Executive	20.5	29.5					32	4.5				86.5
Paralegal/legal admin. asst.	569.5	6.5	2.5		12.5		402.5	80.5		6.5	3	1,083.5
Resource Mgmt	15.5	3	1	7	1		2.5	10.5	39.5			80
Total Hours	644	39	3.5	11.5	13.5	4	486	105.5	39.5	6.5	3	1,356

Table 4-156. Percentage distribution of hours by task (civilians only)

RLSO JAPAN Civilian Table	Admin	Exec/ Exec Support	Facility	Human Res	Instructor	IT	Legal	Other	Res Mgmt	Training	Travel
Administrative	65%	0%	0%	16%	0%	0%	0%	18%	0%	0%	0%
Claims Attorney/ Technician	26%	0%	0%	0%	0%	5%	62%	6%	0%	0%	0%
Executive	24%	34%	0%	0%	0%	0%	37%	5%	0%	0%	0%
Paralegal/legal admin asst.	53%	1%	0%	0%	1%	0%	37%	7%	0%	1%	0%
Resource Mgmt	19%	4%	1%	9%	1%	0%	3%	13%	49%	0%	0%

Table 4-157. Distribution of hours by task (enlisted only)

RLSO JAPAN Enlisted Table	Admin	Exec/ Exec Support	Facility	Human Res	Instructor	IT	Legal	Other	Security	Training	Grand Total
Enlisted - Court Reporter	22.5		1		0.5		21	27.5			72.5
Enlisted - Legalmen	151	38	16	2.5	26	1.5	111.5	155	12	0.5	514
LIMDU	83.5	2	9.5		2		41	161.5	4	1.5	305
Total Hours	257	40	26.5	2.5	28.5	1.5	173.5	344	16	2	891.5

Table 4-158. Percentage distribution of hours by task (enlisted only)

RLSO JAPAN Enlisted Table	Admin	Exec/ Exec Support	Facility	Human Res	Instructor	IT	Legal	Other	Security	Training
Enlisted - Court Reporter	31%	0%	1%	0%	1%	0%	29%	38%	0%	0%
Enlisted - Legalmen	29%	7%	3%	0%	5%	0%	22%	30%	2%	0%
LIMDU	27%	1%	3%	0%	1%	0%	13%	53%	1%	0%

Direct versus indirect hours worked

Table 4-159 through Table 4-164 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In tables 4-159 through 4-164, they are shaded in grey and generally refer to such work output as budget services, human resource services, and so on.

Officers spent 754.5 hours (or about 68 percent of their total time) providing some type of legal service. Trial counsels spent a great deal of their time working on general courts-martial (GCMs) and other military justice issues, while the SJAs provided a much larger variety of legal services. Civilian personnel spent 1,145 hours (or 84 percent of their total time) on legal services, most of which were not involved with military justice. When coupled with their task hours, it appears that the civilian community does a great deal of administrative work in support of legal services. Enlisted personnel spent 379.5 hours (or only 57 percent of their time) providing legal services mostly related to military justice. Combining this information with the task hours, we conclude that the legalmen at these commands are used to a great degree as administrative staff.

In sum, when looking at how the RLSO personnel spend their time doing tasks in support of the various services and products they cre-

ate, it is clear that the enlisted spend much more time providing a greater variety of non-legal (or overhead) services. Civilians may spend a lot of time doing administrative tasks, but they are in support of legal services of one kind or another. The officers are more focused on doing tasks related to their field and spend a great deal of time providing legal services, especially military justice.

Table 4-159. Distribution of hours across product and service areas (officers only)

RLSO Japan Officers Table	Executive	SJA	Trial Counsel	Total Hours
Administrative Law (Ethics)	0	9	0	9
Administrative Law (Military Personnel Law)	0	19.5	2.5	22
Administrative Law	2	18	0	20
Environmental Law (Installation)	0	3.5	0	3.5
General Litigation	0	23	0	23
International & Operational Law	0	15	0	15
International Agreements	0	28	0	28
JAGMAN Investigations	0	62	0	62
Law of War	0	0	17	17
Legal Assistance	0	7	0	7
Military Justice-Admin Separations	0	2.5	1	3.5
Military Justice-Courts-Martial	5	7	212.5	224.5
Military Justice-Investigations	0	13.5	19	32.5
Military Justice-NJP	0	13	0	13
Military Justice-Records	0	0	25	25
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0	10.5	0	10.5
Other (legal services)	26.5	102	13	141.5
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	1.5		0	1.5
Training-not NJS/Other	3	81.5	5	89.5
Public Affairs	2.5		4	6.5
No Area Identified	1	1.5	1	3.5
Budget/Fiscal/ Comptroller/ Acquisitions	0	5.5	0	5.5
Headquarters/ Mgmt/ Program Analysis/ Policy	13.5	77	13	103.5
Headquarters/ Personnel/Pay/ Travel	3	3.5	0	6.5
Other (non-legal-related services)	42	98.5	70.5	211
Other product area (e.g., security, facility mgmt, administrative)	10	6	1	17
Grand Total	110	607	384.5	1101.5

Table 4-160. Percentage distribution of hours across product and service areas (officers only)

RLSO Japan Officers Table	Executive	SJA	Trial Counsel
Administrative Law (Ethics)	0%	1%	0%
Administrative Law (Military Personnel Law)	0%	3%	1%
Administrative Law	2%	3%	0%
Environmental Law (Installation)	0%	1%	0%
General Litigation	0%	4%	0%
International & Operational Law	0%	2%	0%
International Agreements	0%	5%	0%
JAGMAN Investigations	0%	10%	0%
Law of War	0%	0%	4%
Legal Assistance	0%	1%	0%
Military Justice-Admin Separations	0%	0%	0%
Military Justice-Courts-martial	5%	1%	55%
Military Justice-Investigations	0%	2%	5%
Military Justice-NJP	0%	2%	0%
Military Justice-Records	0%	0%	7%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	2%	0%
Other (legal services)	24%	17%	3%
Public Affairs	2%	0%	1%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	1%	0%	0%
Training-not NJS/Other	3%	13%	1%
No Area Identified	1%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	1%	0%
Headquarters/Management/Program Analysis/Policy	12%	13%	3%
Headquarters/Personnel/Pay/Travel	3%	1%	0%
Other (non-legal-related services)	38%	16%	18%
Other product area (e.g., security, facility mgmt, administrative)	9%	1%	0%

Table 4-161. Distribution of hours across product and service areas (civilians only)

RLSO JAPAN Civilian Table	Admin	Claims Attorney/ Techni-cian	Execu-tive	Paralegal/ Legal Admin Asst.	Re-source Mgmt	Total Hours
Administrative Law (Ethics)	0	0	0	1	0	1
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA)	0	0	0	122	0	122
Claims	0	57.5	11.5	87	3	159
General Litigation	0	0	0	5.5	0	5.5
International & Operational Law	0	0	0	32.5	0	32.5
International Agreements	0	0	0	145	0	145
Joint Matters	0	0	0	67.5	0	67.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0	0	0	8.5	0	8.5
Military Justice-Courts-martial	0	0	0	11	5.5	16.5
Military Justice-NJP	0	0	0	1	0	1
Military Justice-Records	0	0	0	0	1	1
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdic-tion, Legislative)	0	0	54.5	113	0	167.5
Naval Justice School (NJS)	0	0	0	1	0	1
Other (legal services)	0	9.5	4	334.5	4	352
Other product area (e.g., security, fa-cility management, administrative)	0	1.5	3.5	28	8	41
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0	0	0	0.5	0	0.5
Training-not NJS/Other	1.5	0	0	8	1	10.5
Public Affairs	0	0	0	13	0	13
Budget/Fiscal/Comptroller/Acquisitions	0	0	0	3	37	40
Headquarters/Management/Program Analysis/Policy	1.5	0	0	12.5	2.5	16.5
Headquarters/Personnel/Pay/Travel	24.5	0	0	4	6.5	35
Other (non-legal-related services)	0	10	13	85	11.5	119.5
Grand Total	27.5	78.5	86.5	1083.5	80	1356

Table 4-162. Percentage distribution of hours across product and service areas (civilians only)

RLSO JAPAN Civilian Table	Admin	Claims Attorney/ Techni-cian	Execu-tive	Paralegal/ Legal Admin Asst.	Re-source Mgmt
Administrative Law (Ethics)	0%	0%	0%	0%	0%
Administrative Law (Misc-prof resp, direc-tive/ instr review, FOIA/PA)	0%	0%	0%	11%	0%
Claims	0%	73%	13%	8%	4%
General Litigation	0%	0%	0%	1%	0%
International & Operational Law	0%	0%	0%	3%	0%
International Agreements	0%	0%	0%	13%	0%
Joint Matters	0%	0%	0%	6%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	0%	1%	0%
Military Justice-Courts-martial	0%	0%	0%	1%	7%
Military Justice-NJP	0%	0%	0%	0%	0%
Military Justice-Records	0%	0%	0%	0%	1%
Miscellaneous (Arms Control, Intel Over-sight, Foreign Criminal Jurisdiction, Legisla-tive)	0%	0%	63%	10%	0%
Naval Justice School (NJS)	0%	0%	0%	0%	0%
Other (legal services)	0%	12%	5%	31%	5%
Other product area (e.g., security, facility management, administrative)	0%	2%	4%	3%	10%
Public Affairs	0%	0%	0%	1%	0%
Tort Litigation (e.g., MedMal, Toxic, Per-sonal Injury)	0%	0%	0%	0%	0%
Training-not NJS/Other	5%	0%	0%	1%	1%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	0%	46%
Headquarters/Management/Program Analysis/Policy	5%	0%	0%	1%	3%
Headquarters/Personnel/Pay/Travel	89%	0%	0%	0%	8%
Other (non-legal-related services)	0%	13%	15%	8%	14%

Table 4-163. Distribution of hours across product and service areas (enlisted only)

RLSO JAPAN Enlisted Table	Enlisted - Court Reporter	Enlisted - Legalmen	LIMDU	Total Hours
Administrative Law (Ethics)	0	0.5	0	0.5
Administrative Law (Military Personnel Law)	0	8.5	8.5	17
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA)	0	2.5	0	2.5
Claims	0	3.5	0	3.5
International & Operational Law	0	4.5	2	6.5
International Agreements	0		5	5
Joint Matters	0	2.5	0	2.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0	26	0	26
Military Justice-Administrative Separations	2.5	5.5	1.5	9.5
Military Justice-Courts-martial	36.5	18	22.5	77
Military Justice-Investigations	0	4	1.5	5.5
Military Justice-NJP	0	47	8	55
Military Justice-Records	0	14	4.5	18.5
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0	1	0	1
Other (legal services)	0	201	40.5	245
Public Affairs	0	0.5		0.5
Training-not NJS/Other	0	21	15.5	36.5
No Area Identified	2.5	8	0	10.5
Budget/Fiscal/Comptroller/Acquisitions	0	8.5	13.5	22
Headquarters/Management/Program Analy-sis/Policy	0	6	2.5	8.5
Headquarters/Personnel/Pay/Travel	0	11		11
IT Systems and Support	0	9	2.5	11.5
Other (non-legal-related services)	27.5	100	174.5	302
Other product area (e.g., security, facility management, administrative)	0	11.5	2.5	14
Grand Total	72.5	514	305	891.5

Table 4-164. Percentage distribution of hours across product and service areas (enlisted only)

RLSO JAPAN Enlisted Table	Enlisted - Court Reporter	Enlisted - Legalmen	LIMDU
Administrative Law (Ethics)	0%	0%	0%
Administrative Law (Military Personnel Law)	0%	2%	3%
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA)	0%	0%	0%
Claims	0%	1%	0%
International & Operational Law	0%	1%	1%
International Agreements	0%	0%	2%
Joint Matters	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	5%	0%
Military Justice-Administrative Separations	3%	1%	0%
Military Justice-Courts-martial	50%	4%	7%
Military Justice-Investigations	0%	1%	0%
Military Justice-NJP	0%	9%	3%
Military Justice-Records	0%	3%	1%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%
Other (legal services)	5%	39%	13%
Public Affairs	0%	0%	0%
Training-not NJS/Other	0%	4%	5%
No Area Identified	3%	2%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	2%	4%
Headquarters/Management/Program Analysis/ Policy	0%	1%	1%
Headquarters/Personnel/Pay/Travel	0%	2%	0%
IT Systems and Support	0%	2%	1%
Other (non-legal-related services)	38%	19%	57%
Other product area (e.g., security, facility management, administrative)	0%	2%	1%

RLSO Japan manpower requirements—FY 08 to FY 10

As shown earlier in Table 4-151, the overall response rate to the survey was moderately high for officers, with 12 out of 16 responding. The response rate was high for civilians (17 of 19 responding) and for legalmen (8 of 12 responding). We had to correct for the response rates of officers by multiplying reported hours by 16/12, or 1.33, to estimate the workload for all the officers in RLSO Japan. For the same reason, we multiplied the reported hours of civilian personnel by 19/17, or 1.118, to estimate the workload of all enlisted personnel; we multiplied enlisted hours by 1.5. These calculations assume that those personnel who responded were similar to those who did not respond.

Table 4-159 showed detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the five trial counsel in RLSO Japan who completed the diary spent 212.5 hours doing court-martial work (General Courts-Martial, GCMs). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 345.7 hours (1.66 x .98 x 212.5). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 744.2 hours of expected work (versus the 384.5 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO Japan will require about 8 (versus the current 5) officer trial counsel (see Table 4-165). Applying the same logic in

the post-2003 scenario yields Table 4-166, which has lower requirements. The requirement for trial counsel, for example, is 12.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future despite the fact that most trial counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO Japan will need *at least* 8 trial counsel, an addition of 3 staff.

Manpower requirements for the enlisted and civilian components of RLSO Japan are shown in Table 4-165 through Table 4-172, The same caveats apply for both enlisted and civilian groups as they do for the officers. Whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used both a 40-hour and a 45-hour workweek in defining the number of civilians. The 40-hour workweek for civilians is actually slightly higher than the federally mandated level of 35 hours per civilian, which has been used in previous manpower studies.

Table 4-165. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

RLSO Japan officer	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current (16)
Total personnel required '08	2	9	8	19	+3
Total personnel required '09	2	10	8	20	+4
Total personnel required '10	2	10	8	20	+4

Table 4-166. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

RLSO Japan officer	Executive	SJA	Trial Counsel	Total officer requirement	Difference from current (16)
Total personnel required '08	2	9	6	17	+1
Total personnel required '09	2	9	6	17	+1
Total personnel required '10	2	9	6	17	+1

Table 4-167. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

RLSO Japan enlisted	Court reporter	Enlisted legalman	LIMDU	Total non-LIMDU enlisted re-quirement	Difference from current (non-LIMDU) requirement (12)	Difference from current (LIMDU)
Total personnel required '08	2	10	6	12	0	+2
Total personnel required '09	2	10	6	12	0	+2
Total personnel required '10	2	10	6	12	0	+2

Table 4-168. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

RLSO Japan enlisted	Court reporter	Enlisted legalman	LIMDU	Total non-LIMDU enlisted re-quirement	Difference from current (non-LIMDU) requirement (12)	Difference from current (LIMDU)
Total personnel required '08	1	8	5	9	-3	+1
Total personnel required '09	1	8	5	9	-3	+1
Total personnel required '10	1	8	5	9	-3	+1

Table 4-169. Civilian manpower requirements (pre-2003--higher) – FY08 to FY10

(40-hour workweek)

RLSO Japan civilian (35-hr workweek)	Admin office mgr	Claims tech-nician	Exec/ Exec support	Paralegal and legal admin assist	Resource Manage-ment	Total civilian require-ment	Difference from current (19)
Total personnel required '08	0	1	1	17	1	19	0
Total personnel required '09	0	1	1	18	1	20	+1
Total personnel required '10	0	1	1	18	1	20	+1

Table 4-170. Civilian manpower requirements (post-2003, lower) – FY08 to FY10

(40-hour workweek)

RLSO Japan civilian (35-hr workweek)	Admin office mgr	Claims techni-cian	Exec/ Exec support	Paralegal and legal admin assist	Resource Manage-ment	Total civilian require-ment	Difference from current (19)
Total personnel required '08	0	1	1	17	1	19	0
Total personnel required '09	0	1	1	18	1	20	+1
Total personnel required '10	0	1	1	18	1	20	+1

Table 4-171. Civilian manpower requirements (pre-2003-higher) – FY 08 to FY10 (45-hour workweek)

RLSO Japan civilian (45-hr workweek)	Admin office mgr	Claims techni-cian	Exec/ Exec support	Paralegal and legal admin assist	Resource Manage-ment	Total civilian require-ment	Difference from current (19)
Total personnel required '08	0	1	1	15	1	17	-2
Total personnel required '09	0	1	1	16	1	18	-1
Total personnel required '10	0	1	1	16	1	18	-1

Table 4-172. Civilian manpower requirements (post-2003, lower) – FY 08 to FY10 (45-hour workweek)

RLSO Japan civilian (45-hr workweek)	Admin office mgr	Claims techni-cian	Exec/ Exec support	Paralegal and legal admin assist	Resource Manage-ment	Total civilian require-ment	Difference from current (19)
Total personnel required '08	0	1	1	15	1	17	-2
Total personnel required '09	0	1	1	16	1	18	-1
Total personnel required '10	0	1	1	16	1	18	-1

We should note that we did not adjust for seasonality in our requirements estimates because June (the month in which we collected data) had average workweeks very similar to those of the overall yearly average.

RLSO Japan summary

The current manpower strength for officers at RLSO Japan is 16, most of whom answered the work diary. One officer and 2 legalmen, however, were IAs and were not involved with the work being done at these commands. Our calculations show that, on one hand, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, RLSO Japan will require 17 officers in FY 08, for a net increase of 1. On the other hand, if the paradigm shifts back to the pre-2003 paradigm, the officer requirement increases to about 19, for a net change of +3.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm (post-2003 workload, which is lower) continues, the non-LIMDU enlisted requirement

drops to about 9, from the current level of 12. This is a decrease of 3 enlisted personnel. For the pre-2003 scenario, which has higher workload, the non-LIMDU enlisted requirement is 12, which equals the number of personnel that are currently assigned to RLSO Japan. (Under this scenario, no changes in the number of enlisted personnel are required.) We also attempted to estimate the requirements for LIMDUs, but this estimate should be taken with a grain of salt. Clearly, LIMDUs are an important labor source for RLSO Japan, but it is unclear whether we should refer to the 9 to 12 LIMDUs needed as an official requirement or an informal need for additional labor.

Using an assumption of a 40-hour workweek, the civilian requirement for lower, post-2003 workload is 19 personnel versus the current 19—for no change in FY08. This requirement assumes a 40-hour workweek. This stays at 19 personnel under the pre-2003 scenario.

If the civilian requirement were a 45-hour workweek, the results would be changed as follows. The civilian requirement for lower, post-2003 workload is 17 personnel versus the current 19—a decrease of 2 civilian personnel. The civilian requirement for the higher, pre-2003 workload is also 17 personnel.

RLSO Europe and Southwest Asia (EURSWA)

Current personnel count

The analysis for RLSO EURSWA covers the main RLSO office in Naples, Italy, as well as four branch offices (Bahrain, La Maddalena, London, and Souda Bay) and two detachments (Rota, Spain, and Sigonella, Italy). Five LNs and 3 officers were on IAs in June 2007.

Overall, the response rate for the workload survey was very high. As shown in Table 4-173, 88 percent (22/25) of RLSO officers completed at least 1 day of the workload diary. 21 of the 25 civilians filled out at least 1 day of the work diary, compared with 83 percent (15/17) of the enlisted personnel. One person self-identified as a LIMDU but was actually a Sailor temporarily assigned to RLSO EURSWA before reporting to Naval Justice School for LN Accession training. RLSO EURSWA does not have LIMDU personnel. In addition, one claims technician self-identified as a member of NLSO EURSWA but should have reported as belonging to RLSO EURSWA; we have added that technician to RLSO EURSWA.

Table 4-173. RLSO EURSWA respondents

Employment status	Civilian	Enlisted	Pre-LN	Officer	Grand Total
Administrative Officer-Manager				1	1
Civilian Paralegal	5				5
Claims Technician	2				2
Clerical-Administrative	3				3
Enlisted-Legalman (or equivalent Marine)		13			13
Enlisted-Legalman Law/Legal Instructor		1			1
Enlisted--Other Technical (e.g., MU, EA, AG, PH)			1		1
Executive (Director, CO, XO, Special Assistant)				3	3
Executive Support (EA, JAG IG, CMC, SEA)		1		2	3
Law Clerk Attorney	1				1
Legal Admin Assistant	5				5
Legal Assistance Attorney	1			4	5
Linguist/Translator	3				3
Resource Management/Contracts/Fiscal	1				1
Staff Judge Advocate (SJA) & Command Services				7	7
Trial Counsel – Government				5	5
Grand Total	**21**	**15**	**1**	**22**	**59**
Actual RLSO total	**25**	**18**	**1**	**25**	**69**

Like other RLSO offices, the table shows that all of the employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals. The respondents at RLSO EURSWA, including its branch offices and detachments, included one Administrative Officer–Manager, three clerical civilians, and one civilian in the areas of resource management/contracts/fiscal. Note also that, unlike RLSOs in CONUS, RLSO EURSWA has three civilian linguist/translators who responded to the workload survey.

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis.

While some research has shown a weak tie between long hours and stress-related problems (e.g., low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time period, some of the personnel were on leave, sick, or otherwise prevented them from doing RLSO related work. Thus, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 4-174.

Table 4-174. RLSO EURSWA average hours worked by employment status

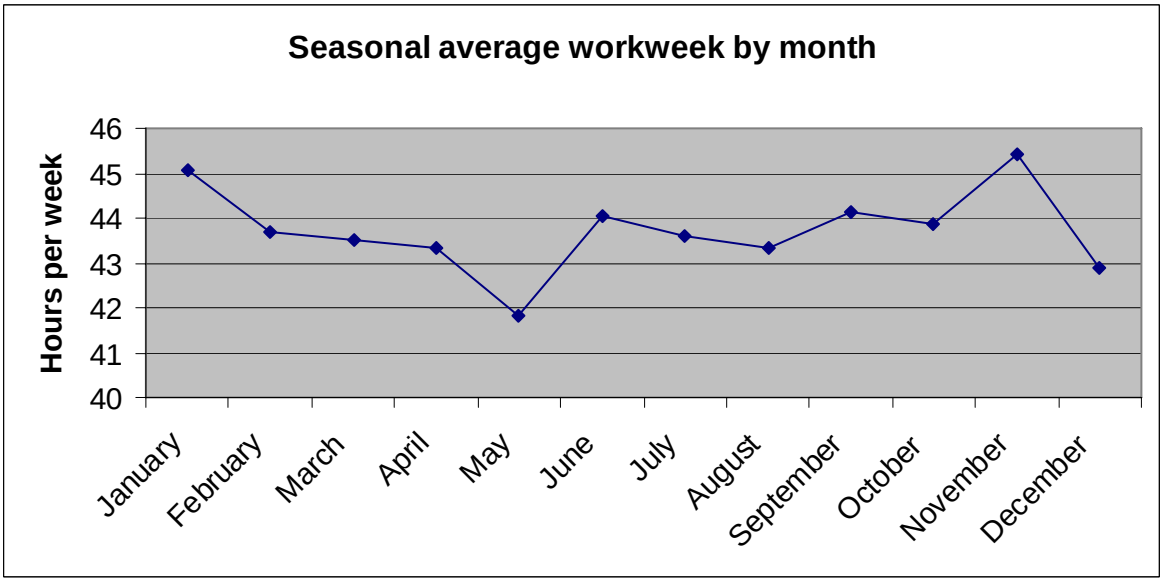
Current employment status	Total hours	Total personnel reporting	Average work-week	Average days worked	Average workweek (adjusted)
Civilian	1,467.5	21	34.9	9.0	38.8
Enlisted	1,118.5	15	37.3	8.4	44.4
Pre-LN	95.5	1	47.8	11.0	47.8
Officer	2,079.5	22	47.3	10.0	47.3
Total hours	4,698.5	58	40.5	9.2	43.9

As we can see, the 1 Pre-LN had the longest workweek, though this was just a temporary assignment before accession training. The Pre-LN reported 11 days worked, and an average workweek of 47.8 hours. As a group more than 1, the 22 officers had the longest workweek with 47.3 hours per week, even after adjustments were made to increase the workweeks of the enlisted and civilians. The officers were followed by the 15 enlisted (legalmen) and the civilians in length of workweek.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey took place during an average work month (versus a seasonal high or low). Figure 4-17 shows that there is very little seasonality except in December, when the average workweek dips due to the holiday season. November and January appear to be months of relatively high work hours. Looking at the graph, it appears that the 2 weeks during which we collected data in June represent neither a seasonal high nor a seasonal low. Thus, we conclude that our survey dataset is representative of an average month for RLSO EURSWA: No seasonality adjustment is necessary.

Figure 4-17. Seasonal workweek by month: RLSO EURSWA

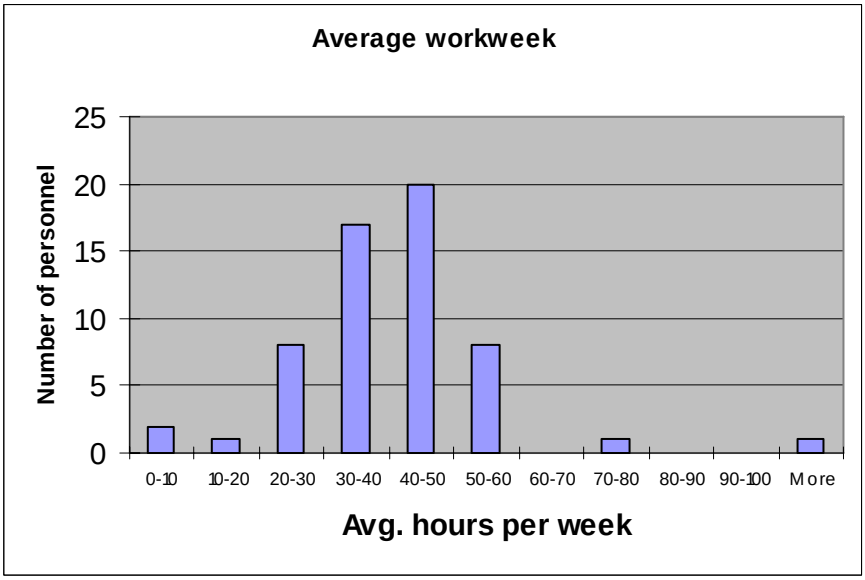


Employees who work over 50 hours per week

The unadjusted average workweek for the EURSWA RLSO was 40.5 hours. As mentioned earlier, however, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 4-18 offers a more complete picture of hours worked per employee. It shows that 30/59 (50.8 percent) of the workforce worked 80 plus hours during the 2-week survey. Further, approximately 17 percent (10/59) actually worked over 100 hours (50 plus hours on a weekly basis). From these data, we conclude that the entire staff is not very stressed due to the current workload, although a few people are, indeed, working extremely long hours. One person averaged between 70 and 80 hours per week, and another averaged over 100 hours per week; these are very long hours.

Figure 4-18. Total unadjusted hours worked during two-week reporting period (n=59): RLSO EURSWA



Indicators that the workforce is cross-tasked too much

Table 4-175 through Table 4-180 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative either of a lack of personnel in some area (leading other personnel from other areas to

fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside their specialties. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time dong administrative tasks.

Turning first to the officers, we note from Table 4-175 that, of the total hours worked during the 2-week diary, 36 percent (751.0/2,079.5) are related to legal tasks. Other (690.0 hours, 33 percent) and administrative (291 hours, 14 percent) were two other areas that accounted for a significant amount of officers' hours, indicating that the officers spend a great deal of their time doing some ancillary work or administrative tasks. We also note that SJAs/command services spent a greater percentage of time on legal tasks (285 hours, 49 percent) than any other category of task. Trial counsel and legal assistance attorneys also spent more time on legal activities than any other type. It is not surprising that executive officers (CO, XO, etc.) spent more time on executive and executive support tasks (25 percent) and other tasks (34 percent) than they did on legal tasks (18 percent).

The civilian community spends less time doing ancillary "other" tasks or facility tasks than the officers do (only 86.0 hours out of 1,467.5 total, 5.9 percent). However, they spend a greater percentage of their time performing administrative tasks (645 out of 1,467.5 hours, 44.0 percent) than do the officers. The paralegals spend more time performing administrative tasks (329.5, 48 percent of their time) than they do performing legal tasks (285.5, 41 percent of their time).

The enlisted community spends its largest amount of time doing ancillary/other duties (396 out of 1,214, 36.2 percent), followed by administrative tasks (384.5/1,214, 31.6 percent). They spend comparatively little time doing legal tasks (203.5/1,214, 16.8 percent).

In sum, all personnel spent some time doing work outside their specialties. Civilian paralegals spend more time performing administrative tasks than legal tasks. However, civilian legal assistance attorneys, law clerk attorneys, and claims attorney/technicians spend

more time doing legal work than administrative work. Enlisted spend most of their time on other tasks and administrative tasks. Officers spent the plurality of their time on legal tasks, but other tasks were also a major factor in their workweek. It might be the case that RLSO EURSWA personnel spend more time on administrative tasks because that they are in fairly small, dispersed offices, compared with offices in fleet concentration areas.

Table 4-175. Distribution of hours by task (officers only): RLSO EURSWA

RLSO EURSWA officers	Admin	Exec / Exec Support	Human Resources	Instructor	Legal	Other	Res Mgmt	Security and Taxes	Training	Travel	Grand total
Administrative	54.0	12.0	2.5			23.5					92.0
Executive	78.0	123.5		2.5	88.5	165.5	2.5	0.5	7.0	23.5	491.5
Legal Assistance Attorney	64.5	4.0		2.5	162.0	117.5		4.5	15.5	4.0	374.5
SJA	57.5	20.0		2.5	285.0	166.5			5.0	42.5	579.0
Trial Counsel	37.0	5.5		4.5	215.5	217.0			32.0	31.0	542.5
Total hours	291.0	165.0	2.5	12.0	751.0	690.0	2.5	5.0	59.5	101.0	2,079.5

Table 4-176. Percentage distribution of hours by task (officers only): RLSO EURSWA

RLSO EURSWA officers	Admin	Exec/ Exec Support	Human Resources	Instructor	Legal	Other	Resource Mgmt	Security and taxes	Training	Travel
Administrative	59%	13%	3%	0%	0%	26%	0%	0%	0%	0%
Executive	16%	25%	0%	1%	18%	34%	1%	0%	1%	5%
Legal Assistance Attorney	17%	1%	0%	1%	43%	31%	0%	1%	4%	1%
SJA	10%	3%	0%	0%	49%	29%	0%	0%	1%	7%
Trial Counsel	14%	8%	0%	1%	36%	33%	0%	0%	3%	5%

Table 4-177. Distribution of hours by task (civilian only): RLSO EURSWA

RLSO EURSWA civilian table	Admin	Exec/ Exec Support	Human Resources	Instructor	Legal	Linguist	Other/ Facility	Resource Mgmt	Training	Travel	Grand Total
Administrative	147.5		2.0	0.5	51.5		6.0				207.5
Claims Attorney / Technician	43.0				75.5		14.0				132.5
Law Clerk Attorney	2.5				77.0		1.0				80.5
Legal Assistance Attorney	1.0				43.0						44.0
Linguist	88.0				25.0	109.0					222.0
Paralegal	329.5	5.0		10.0	285.5		55.0		1.5	7.0	693.5
Resource Mgmt	33.5	0.5	11.0		9.0		10.0	19.5	4.0		87.5
Total hours	645.0	5.5	13.0	10.5	566.5	109.0	86.0	19.5	5.5	7.0	1,467.5

Table 4-178. Percentage distribution of hours by task (civilians only): RLSO EURSWA

RLSO EURSWA civilian table	Admin	Exec/ Exec Support	Human Resources	Instructor	Legal	Linguist	Other/ Facility	Resource Mgmt	Training	Travel
Administrative	71%	0%	1%	0%	25%	0%	3%	0%	0%	0%
Claims Attorney / Technician	32%	0%	0%	0%	57%	0%	11%	0%	0%	0%
Law Clerk Attorney	3%	0%	0%	0%	96%	0%	1%	0%	0%	0%
Legal Assistance Attorney	2%	0%	0%	0%	98%	0%	0%	0%	0%	0%
Linguist	40%	0%	0%	0%	11%	49%	0%	0%	0%	0%
Paralegal	48%	1%	0%	1%	41%	0%	8%	0%	0%	1%
Resource Mgmt	38%	1%	13%	0%	10%	0%	11%	22%	5%	0%

Table 4-179. Distribution of hours by task (enlisted only): RLSO EURSWA

RLSO EURSWA Enlisted table	Admin	Executive/Executive Support	Facility	Instructor	IT	Legal	Other	Security	Tax	Training	Travel	Grand Total
Enlisted - Executive	10	62				1.5	22.5					96
Enlisted - Instructor	10		1.5	13	5		47.5			3.5		80.5
Enlisted - Legalmen	303	26.5	16.5	19		202	293.5	1		63.5	17	942
Pre-LN	61.5						32.5		1.5			95.5
Total hours	384.5	88.5	18	32	5	203.5	396	1	1.5	67	17	1214

Table 4-180. Percentage distribution of hours by task (enlisted only): RLSO EURSWA

RLSO Midland Enlisted table	Admin	Executive/ Executive Support	Facility	Instructor	IT	Legal	Other	Security	Tax	Training	Travel
Enlisted - Executive	10%	65%	0%	0%	0%	2%	**23%**	0%	0%	0%	0%
Enlisted - Instructor	12%	0%	2%	16%	6%	0%	**59%**	0%	0%	4%	0%
Enlisted - Legalmen	**32%**	3%	2%	2%	0%	21%	**31%**	0%	0%	7%	2%
Pre-LN	64%	0%	0%	0%	0%	0%	**34%**	0%	2%	0%	0%

Direct versus indirect hours worked

Table 4-181 through Table 4-186 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that support the JAG community. This could also be considered overhead. In tables 4-181 through 4-186, they are shaded in grey and generally refer to such work output as budget services and human resource services. These are essential functions, but they are not direct labor hours.

Officers spent 1,246.5 hours (or about 60 percent of their total time) providing some type of legal service. Trial counsel, in particular, spent a great deal of their time working on general courts-martial (GCMs), while the SJAs provided a much larger variety of legal services. Civilian and enlisted personnel spent 1,141 hours (or 81 percent of their total time) and 612 hours (or 50 percent of their total time), respectively, on legal services. It is interesting that the civilians were more focused on legal products (80 percent) than either the officers (61 percent) or the enlisted (50 percent).

In sum, when looking at how the RLSO personnel spend their work hours, officers and enlisted spend a great deal of time on a greater variety of non-legal services. This might be due to the nature of being uniformed military, where there are expectations to solve problems, even if they are not part of your normal daily product area.

Civilian personnel, however, are more focused on their specific product areas but are also heavily involved in providing some form of legal service. This would imply that they have different functions than officers and enlisted.

Table 4-181. Distribution of hours across product and service areas (officers only): RLSO EURSWA

RLSO EURSWA--officer table	Administrative	Executive	Legal Assistance Attorney	SJA	Trial Counsel	Grand Total
Administrative Law (Ethics)		1.0		3.0	1.0	5.0
Administrative Law (Military Personnel Law)		1.5	0.5	31.0	2.5	35.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)		3.0	2.0	49.0	1.0	55.0
Admiralty		0.5				0.5
Claims		20.5	1.5	5.0	1.0	28.0
International & Operational Law		38.0	1.0	35.5		74.5
International Agreements		5.0		12.5		17.5
JAGMAN Investigations		5.0		4.0	1.0	10.0
Joint Matters		0.5				0.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		11.5	208.0	16.5	5.0	241.0
Legal Assistance-Taxes			7.5	1.0		8.5
Military Justice-Administrative Separations		3.0		5.0	3.0	11.0
Military Justice-Courts-martial		8.5		24.0	132.0	164.5
Military Justice-Investigations		16.5	0.5	28.5	25.0	70.5
Military Justice-NJP		2.5	0.5	9.0	4.0	16.0
Military Justice-Records				1.0	11.0	12.0
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)		3.5	10.0	29.0		42.5
Naval Justice School (NJS)		1.5				1.5
Public Affairs				37.0		37.0
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)		1.5				1.5
Training-NJS		1.5			48.0	49.5
Other (legal services)		162.0	10.0	144.0	48.5	364.5
(No Area)		3.5	33.0	7.0	13.5	57.0
Headquarters/Management/Program Analysis/Policy		32.0	3.0	5.0		40.0
Headquarters/Personnel/Pay/Travel		29.0	0.5	7.5		37.0
IT Systems and Support		2.0				2.0
Other (non-legal-related services)	89.5	125.5	87.5	106.5	240.0	649.0
Other product area (e.g., security, facility management, administrative)	2.5	6.5	2.5	11.0		22.5
Training-not NJS/Other		6.0	6.5	7.0	6.0	25.5
Grand Total	92.0	491.5	374.5	579.0	542.5	2,079.5

Table 4-182. Percentage distribution of hours across product and service areas (officers only): RLSO EURSWA

RLSO EURSWA--officer table	Admin-istra-tive	Execu-tive	Legal Assis-tance Attorney	SJA	Trial Counsel
Administrative Law (Ethics)	0%	0%	0%	1%	0%
Administrative Law (Military Personnel Law)	0%	0%	0%	5%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	1%	1%	8%	0%
Admiralty	0%	0%	0%	0%	0%
Claims	0%	4%	0%	1%	0%
International & Operational Law	0%	8%	0%	6%	0%
International Agreements	0%	1%	0%	2%	0%
JAGMAN Investigations	0%	1%	0%	1%	0%
Joint Matters	0%	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	2%	56%	3%	1%
Legal Assistance-Taxes	0%	0%	2%	0%	0%
Military Justice-Administrative Separations	0%	1%	0%	1%	1%
Military Justice-Courts-martial	0%	2%	0%	4%	24%
Military Justice-Investigations	0%	3%	0%	5%	5%
Military Justice-NJP	0%	1%	0%	2%	1%
Military Justice-Records	0%	0%	0%	0%	2%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	1%	3%	5%	0%
Naval Justice School (NJS)	0%	0%	0%	0%	0%
Public Affairs	0%	0%	0%	6%	0%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%	0%
Training-NJS	0%	0%	0%	0%	9%
Other (legal services)	0%	33%	3%	25%	9%
(No Area)	0%	1%	9%	1%	2%
Headquarters/Management/Program Analysis/Policy	0%	7%	1%	1%	0%
Headquarters/Personnel/Pay/Travel	0%	6%	0%	1%	0%
IT Systems and Support	0%	0%	0%	0%	0%
Other (non-legal-related services)	97%	26%	23%	18%	44%
Other product area (e.g., security, facility manage-ment, administrative)	3%	1%	1%	2%	0%
Training-not NJS/Other	0%	1%	2%	1%	1%

Table 4-183. Distribution of hours across product and service areas (civilians only):

RLSO EURSWA

RLSO EURSWA--Civilian table	Adminis-trative	Claims Attorney/ Technician	Law Clerk Attorney	Legal Assistance Attorney	Linguist	Para-legal	Re-source Mgmt	Total hours
Administrative Law (Ethics)	0	0	0	0	2.5	0	0	2.5
Administrative Law (MilPers Law)	0	0	0	0	0	5	0	5
Administrative Law (Misc)	0	0	0	0	0	35	0	35
Claims	0.5	101.0	0	0	0	66	0	167.5
Environmental Law (Installation)	0	0	0	0	0	10.5	0	10.5
General Litigation	0	0	0	0	19.5	0	0	19.5
International & Operational Law	14	0	0	0	22	86	0	122
International Agreements	0	0	0	0	66.5	3.5	0	70
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	172.5	0	0	5.5	12.5	59	0	249.5
Military Justice-Courts-martial	0	0	0	0	2.5	0	0	2.5
Military Justice-Investigations	0.5	0	0	0	0	2.5	0	3
Military Justice-Judiciary	0	0	0	0	2.5	0	0	2.5
Military Justice-NJP	0	0	0	0	0	2	0	2
Military Justice-Records	0	0	0	0	0	5.5	0	5.5
Misc. (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0	0	79.5	0	0	28	0	107.5
Other (legal services)	11	0	0	37.5	92.5	225.5	0	366.5
Public Affairs	0	0	0	0	1	0	0	1
Budget/Fiscal/Comptroller/ Acquisitions	0	0	0	0	0	0	67.5	67.5
HQ/Management/Program Analysis/Policy	0	0	0	0	0	0	3	3
HQ/Personnel/Pay/Travel	2	0	0	0	0	22.5	17	41.5
Other (non-legal-related services)	6.5	0	1	1	0.5	49	0	58
Other product area (e.g., security, facility management, administrative)	0.5	0	0	0	0	93.5	0	94
Grand Total	207.5	132.5	80.5	44	222	693.5	87.5	1,467.5

Table 4-184. Percentage distribution of hours across product and service areas (civilians only): RLSO EURSWA

Major PFA	Administra-tive	Claims Attorney/ Techni-cian	Law Clerk Attorney	Legal Assis-tance Attorney	Lin-guist	Para-legal	Re-source Mgmt
Administrative Law (Ethics)	0%	0%	0%	0%	1%	0%	0%
Administrative Law (MilPers Law)	0%	0%	0%	0%	0%	1%	0%
Administrative Law (Misc)	0%	0%	0%	0%	0%	5%	0%
Claims	0%	76%	0%	0%	0%	10%	0%
Environmental Law (Installation)	0%	0%	0%	0%	0%	2%	0%
General Litigation	0%	0%	0%	0%	9%	0%	0%
International & Operational Law	7%	0%	0%	0%	10%	12%	0%
International Agreements	0%	0%	0%	0%	30%	1%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	83%	0%	0%	13%	6%	9%	0%
Military Justice-Courts-martial	0%	0%	0%	0%	1%	0%	0%
Military Justice-Investigations	0%	0%	0%	0%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	0%	1%	0%	0%
Military Justice-NJP	0%	0%	0%	0%	0%	0%	0%
Military Justice-Records	0%	0%	0%	0%	0%	1%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdic-tion, Legislative)	0%	0%	99%	0%	0%	4%	0%
Other (legal services)	5%	9%	0%	85%	42%	33%	0%
Public Affairs	0%	0%	0%	0%	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	8%	0%	0%	0%	0%	77%
HQ/Management/Program Analysis/ Policy	0%	0%	0%	0%	0%	0%	3%
HQ/Personnel/Pay/Travel	1%	0%	0%	0%	0%	3%	19%
Other (non-legal-related services)	3%	2%	1%	2%	0%	7%	0%
Other product area (e.g., security, fa-cility management, administrative)	0%	4%	0%	0%	0%	13%	0%

Table 4-185. Distribution of hours across product and service areas (enlisted only): RLSO EURSWA

RLSO EURSWA--enlisted table	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legal-men	Pre-LN	Grand Total
Administrative Law (Ethics)			0.5		0.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)			19.0		19.0
Claims			9.0		9.0
International & Operational Law			1.0		1.0
International Agreements			1.0		1.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		3.5	133.0	29.0	165.5
Legal Assistance-Taxes			16.5		16.5
Military Justice-Administrative Separations		15.0	41.0		56.0
Military Justice-Courts-martial			20.0		20.0
Military Justice-Investigations		3.5	13.5		17.0
Military Justice-NJP		6.0	36.0		42.0
Military Justice-Records		1.0	17.5		18.5
Other (legal services)	2.5	1.5	194.5	38.0	236.5
Public Affairs			9.5		9.5
Training-NJS		1.0			1.0
No Area specified		1.5	3.0		4.5
Headquarters/Management/Program Analysis/ Policy	1.0		1.0		2.0
Headquarters/Personnel/Pay/Travel			30.5		30.5
IT Systems and Support		6.0			6.0
Other (non-legal-related services)	92.5	37.0	336.0	27.0	492.5
Other product area (e.g., security, facility management, administrative)			37.5		37.5
Training-not NJS/Other		4.5	22.0	1.5	28.0
Grand Total	96.0	80.5	942.0	95.5	1,214.0

Table 4-186. Percentage distribution of hours across product and service areas (enlisted only): RLSO EURSWA

RLSO EURSWA--enlisted table	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legalmen	Pre-LN
Administrative Law (Ethics)	0%	0%	0%	0%
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA, etc)	0%	0%	2%	0%
Claims	0%	0%	1%	0%
International & Operational Law	0%	0%	0%	0%
International Agreements	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	4%	14%	30%
Legal Assistance-Taxes	0%	0%	2%	0%
Military Justice-Administrative Separations	0%	19%	4%	0%
Military Justice-Courts-martial	0%	0%	2%	0%
Military Justice-Investigations	0%	4%	1%	0%
Military Justice-NJP	0%	7%	4%	0%
Military Justice-Records	0%	1%	2%	0%
Other (legal services)	3%	2%	21%	40%
Public Affairs	0%	0%	1%	0%
Training-NJS	0%	1%	0%	0%
No Area specified	0%	2%	0%	0%
Headquarters/Management/Program Analysis/ Policy	1%	0%	0%	0%
Headquarters/Personnel/Pay/Travel	0%	0%	3%	0%
IT Systems and Support	0%	7%	0%	0%
Other (non-legal-related services)	96%	46%	36%	28%
Other product area (e.g., security, facility management, administrative)	0%	0%	4%	0%
Training-not NJS/Other	0%	6%	2%	2%

RLSO EURSWA manpower requirements—FY 08 to FY 10

As shown earlier, RLSO EURSWA's overall response rate to the survey was very high, with 22 of 25 officers (88 percent) completing the work diary. Enlisted participation was also 88 percent (15 of 17), and civilian participation was 100 percent (20 of 20). Finally, there was 1 Pre-LN participant. We really cannot say that Pre-LN participation was perfect, however, because the billet file, where we ob-

tained the list of personnel assigned to RLSO EURSWA offices, might not have listed all the temporary personnel who were potentially available. The billet file lists only those personnel formally assigned to a RLSO office; it does not account for others who might be part of a temporary labor pool available at the nearest naval station, which in some cases can provide additional personnel to a RLSO office.

Table 4-181, presented earlier, shows detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on either data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement. These requirements are in Table 4-187 through 4-194.

For an example of how we computed requirements, we note that the 5 trial counsel who completed the diary spent 132 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 214.7 hours (1.66 x .98 x 132). Applying the appropriate rule for future workload to the other service areas gives us a total of 758.0 hours of expected work (versus the 542.5 hours recorded in the diary). Assuming a 50-hour workweek implies that RLSO EURSWA will require about 8 (versus the current 5) trial counsel—an increase of 3 trial counsel. Applying the same logic in the low case (or post-2003) scenario) yields the officer manpower requirements shown in Table 4-188. Using those assumptions, the requirement is only 7—an increase of 2 trial counsel over the current 5.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much

of the work done by SJAs was assumed to be constant in the near future despite the fact that most SJAs have typically long workweeks and that demand signals for SJAs are very high. Thus, if we assume that the Navy will return to pre-2003 workloads, RLSO EURSWA will need *at least* 29 officers and possibly more since SJA workload is generally trending upward. If we assume that the Navy will remain at post-2003 workloads, RLSO EURSWA will need at least 1 more officer (26 total, compared with the current 25 officers).

Manpower requirements for the enlisted and civilian components of RLSO EURSWA are shown in the following tables. The same caveats apply since both groups engage in some SJA-related work.

Table 4-187. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

RLSO EURSWA officers	Administra-tive	Exec / Exec Support	Legal assis-tance attorney	SJA	Trial counsel	Total officer requirement	Difference from current (25)
Total personnel required '08	1	7	5	8	8	29	+4
Total personnel required '09	1	7	5	8	8	29	+4
Total personnel required '10	1	7	5	8	8	29	+4

Table 4-188. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

RLSO EURSWA officers	Administra-tive	Exec / Exec Support	Legal assis-tance attorney	SJA	Trial counsel	Total officer requirement	Difference from current (25)
Total personnel required '08	1	6	5	7	7	26	+1
Total personnel required '09	1	6	5	7	7	26	+1
Total personnel required '10	1	6	5	7	7	26	+1

Table 4-189. Enlisted manpower requirements (pre-2003) – FY08 to FY10

RLSO EURSWA enlisted	Executive / Executive Support	Enlisted instructor	Enlisted Legalman	Pre-LN	Total non-LIMDU enlisted requirement	Difference non-Pre-LN requirement from current (18)
Total personnel required '08	1	1	13	1	15	-3
Total personnel required '09	1	1	13	1	15	-3
Total personnel required '10	1	1	13	1	15	-3

Table 4-190. Enlisted manpower requirements (post-2003) – FY08 to FY10

RLSO EURSWA enlisted	Executive / Executive Support	Enlisted instructor	Enlisted Legalman	Pre-LN	Total non-LIMDU enlisted requirement	Difference non-Pre-LN requirement from current (18)
Total personnel required '08	1	1	12	1	14	-4
Total personnel required '09	1	1	12	1	14	-4
Total personnel required '10	1	1	12	1	14	-4

Table 4-191. Civilian manpower requirements (pre-2003) – FY08 to FY10 (40-hour workweek)

RLSO EURSWA civilians (40-hr)	Adminis-trative	Claims Attorney/ Technician	Law Clerk Attorney	Legal Assist. Attor-ney	Lin-guist	Paralegal/ Legal Admin Assistant	Re-source Mgmt	Total civilian require-ment	Difference from current (25)
Total personnel required '08	3	2	1	1	3	10	1	21	-4
Total personnel required '09	3	2	1	1	3	10	1	21	-4
Total personnel required '10	3	2	1	1	3	10	1	21	-4

Table 4-192. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

RLSO EURSWA civilians (40-hr)	Adminis-trative	Claims Attorney/ Technician	Law Clerk Attorney	Legal Assist. Attor-ney	Lin-guist	Paralegal/ Legal Admin Assistant	Re-source Mgmt	Total civilian re-quireme nt	Difference from current (25)
Total personnel required '08	3	2	1	1	3	10	1	21	-4
Total personnel required '09	3	2	1	1	3	10	1	21	-4
Total personnel required '10	3	2	1	1	3	10	1	21	-4

Table 4-193. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

RLSO EURSWA civilians (45-hr)	Ad-minis-trative	Claims Attorney/ Techni-cian	Law Clerk Attorney	Legal As-sistance Attorney	Lin-guist	Paralegal/ Legal Admin Assistant	Re-source Mgmt	Total civilian require-ment	Difference from current (25)
Total personnel required '08	3	2	1	1	3	9	1	20	-5
Total personnel required '09	3	2	1	1	3	9	1	20	-5
Total personnel required '10	3	2	1	1	3	9	1	20	-5

Table 4-194. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

RLSO EURSWA civilians (45-hr)	Administrative	Claims Attorney/ Technician	Law Clerk Attorney	Legal Assistance Attorney	Linguist	Paralegal/ Legal Admin Assistant	Resource Mgmt	Total civilian requirement	Difference from current (25)
Total personnel required '08	3	2	1	1	3	9	1	20	-5
Total personnel required '09	3	2	1	1	3	9	1	20	-5
Total personnel required '10	3	2	1	1	3	9	1	20	-5

RLSO EURSWA summary

The current manpower strength for officers at RLSO EURSWA is 25, and 22 of them completed the diary. Our calculations show that if the current paradigm for mil-justice-related work continues, RLSO EURSWA will require 26 officers, for a net increase of 1. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 29, for a net change of 4.

There are currently 18 enlisted personnel at RLSO EURSWA. Using the same requirements logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement decreases to 14—for a net decrease of 4. For the pre-2003 scenario, the enlisted requirement is 15—for a net decrease of 3.

The current number of civilians on board at RLSO EURSWA is 25. The civilian requirement for post-2003, and a 40-hour workweek, is 21 personnel—which is 4 less than current. This stays at 21 civilian personnel under the pre-2003 scenario. If one assumes a 45-hour workweek, the requirements are slightly lower. Using an assumption that workload will remain at post-2003 levels, and assuming a 45-hour workweek, the civilian requirement is 20—5 less than the number of civilians now at RLSO EURSWA. The requirement for civilian personnel remains at 20 even if pre-2003 assumptions are used. **(We note that our calculations are in full-time equivalents, but some civilians might be part-time).**

Summary and discussion

Work products and services of RLSOs

Table 4-195 summarizes the work performed at the nine RLSOs during the 2-week data collection. Looking first in the total column, it's no surprise to see that the largest product areas for RLSOs are in the category of *military justice*. The seven areas of military justice (from administrative separations to records) accounted for 29.9 percent of all hours logged by RLSO personnel. Other legal services accounted for 20.3 percent of all hours, followed by other (non-legal services), with 17.1 percent of total hours. All told, these three broad categories—*military justice*, *other legal services*, and *other non-legal services*—accounted for 67.3 percent of all hours worked.

The next largest product area for the RLSOs covers SJA types of tasks, such as ethics, military personnel law, environmental law (both installations and operational), international and operational law, international agreements, JAGMAN investigations, joint matters, law of war, and legal assistance. (We assume that legal assistance is being performed at RLSOs for some commands as a courtesy.) Adding these 15 product areas results in 15.9 percent of the total hours spent by employees at the RLSO. The next largest broad category of products is *non-legal hours* (budget/fiscal, headquarters management, headquarters personnel, IT systems, no area, other product area, and training—not NJS), which account for about 12.7 percent of total hours. The remaining hours are distributed among *miscellaneous* (arms control, intel oversight, foreign criminal jurisdiction, legislative, 1.3 percent), *Naval Justice School* (2.1 percent), *public affairs* (0.3 percent), and *tort litigation* (0.1 percent).

You can also use Table 4-195 is to observe patterns in how time is spent in each employee category. The largest contributor to each product or service is shown in **bold**. Civilians are the major contributors in *administrative law (misc.), "Other" (legal services), other product area* (e.g., security, facility management, administrative), *legal assistance*, *claims*, *international agreements*, and *tort litigation*.

Table 4-195. Combined RLSO product and service area hours (2-week sample)

Product or Service Area	Civilians		Enlisted		LIMDU		Officer		Total	
	Hours	%	Hours	%	Hours	%	Hours	%	Hours	%
Administrative Law (Ethics)	146.5	1.7	12.0	0.2	6.0	0.4	**348.0**	2.5	512.5	1.6%
Administrative Law (Military Personnel Law)	55.0	0.6	46.5	0.7	96.5	6.8	**468.5**	3.3	666.5	2.1%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	**376.0**	4.4	27.5	0.4	25.5	1.8	263.0	1.9	692.0	2.2%
Admiralty	0.0	0.0	0.0	0.0	0.5	0.0	**10.0**	0.1	10.5	0.0%
Claims	**336.5**	3.9	15.0	0.2	2.5	0.2	64.5	0.5	418.5	1.3%
Environmental Law (Installation)	17.0	0.2	0.0	0.0	4.0	0.3	**165.0**	1.2	186.0	0.6%
Environmental Law (Operations)	0.0	0.0	0.0	0.0	0.0	0.0	**31.5**	0.2	31.5	0.1%
General Litigation	89.0	1.0	1.5	0.0	1.0	0.1	**126.0**	0.9	217.5	0.7%
International & Operational Law	154.5	1.8	5.5	0.1	2.0	0.1	**145.5**	1.0	307.5	1.0%
International Agreements	**215.0**	2.5	1.0	0.0	5.0	0.4	49.0	0.3	270.0	0.9%
JAGMAN Investigations	146.5	1.7	31.0	0.4	0.0	0.0	**301.5**	2.1	479.0	1.5%
Joint Matters	77.5	0.9	3.0	0.0	3.5	0.2	**85.0**	0.6	169.0	0.5%
Law of War	1.5	0.0	0.0	0.0	0.0	0.0	**18.0**	0.1	19.5	0.1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	**392.0**	4.5	278.0	3.9	29.0	2.0	326.0	2.3	1,025.0	3.3%
Legal assistance (taxes)	0.0	0.0	**20.0**	0.3	0.0	0.0	9.0	0.1	29.0	0.1%
Military Justice-Administrative Separations	336.0	3.9	**1,018.0**	14.3	69.5	4.9	388.0	2.7	1,811.5	5.8%
Military Justice-Courts-martial	1,206.5	14.0	995.5	13.9	177.5	12.5	**3,222.5**	22.7	5,602.0	17.9%
Military Justice-Investigations	53.0	0.6	103.0	1.4	9.5	0.7	**579.5**	4.1	745.0	2.4%
Military Justice-Judiciary	139.5	1.6	16.5	0.2	10.0	0.7	2.0	0.0	168.0	0.5%
Military Justice-National Security Cases	0.0	0.0	0.0	0.0	0.0	0.0	4.0	0.0	4.0	0.0%
Military Justice-NJP	59.0	0.7	**451.0**	6.3	13.5	0.9	207.0	1.5	730.5	2.3%
Military Justice-Records	31.0	0.4	133.0	1.9	9.5	0.7	**133.5**	0.9	307.0	1.0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	**320.5**	3.7	3.0	0.0	0.0	0.0	98.0	0.7	421.5	1.3%
Naval Justice School (NJS)	1.5	0.0	0.0	0.0	0.0	0.0	**151.0**	1.1	152.5	0.5%
Training-NJS	14.5	0.2	7.0	0.1	2.0	0.1	**488.5**	3.4	512.0	1.6%
Other (legal services)	**2,329.0**	27.0	1,536.5	21.5	521.0	36.6	1,977.5	14.0	6,364.0	20.3%
Public Affairs	15.5	0.2	19.0	0.3	1.5	0.1	**66.0**	0.5	102.0	0.3%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	**24.5**	0.3	2.5	0.0	0.0	0.0	16.0	0.1	43.0	0.1%
Budget/Fiscal/Comptroller/Acquisitions	**286.0**	3.3	10.0	0.1	13.5	0.9	47.0	0.3	356.5	1.1%
Headquarters/Management/Program Analysis/Policy	96.0	1.1	109.5	1.5	2.5	0.2	**414.0**	2.9	622.0	2.0%
Headquarters/Personnel/Pay/Travel	117.5	1.4	87.0	1.2	2.0	0.1	**319.0**	2.3	525.5	1.7%
IT Systems and Support	17.0	0.2	20.5	0.3	2.5	0.2	15.0	0.1	55.0	0.1%
(No Area)	35.0	0.4	99.0	1.4	3.0	0.2	133.5	0.9	270.5	0.9%
Other (non-legal-related services)	761.5	8.8	1,780.5	24.9	363.5	25.6	**2,441.0**	17.2	5,346.5	17.1%
Other product area (e.g., security, facility management, administrative)	**635.0**	7.4	94.0	1.3	23.5	1.7	508.0	3.6	1,260.5	4.0%
Training-not NJS/Other	136.0	1.6	212.5	3.0	22.0	1.5	**548.5**	3.9	919.0	2.9%
Total hours	**8,621.5**		**7,139.0**		**1,422.0**		**14,170.0**		**31,352.5**	

Enlisted personnel are the largest contributors of work hours in two areas of military justice: (1) administrative separations and (2) NJP. These two product areas constitute major portions of the RLSOs' total work, and it is clear from the statistics that enlisted personnel perform a large portion of this work. Enlisted personnel performed 56.2 percent (1,018.0/1,811.5) of the hours worked in administrative separations. They performed 61.7 percent (451/730.5) of the hours worked on NJP.

Officers performed the largest portions of most of the RLSOs' products and services, both because they were the most numerous personnel and because they averaged the longest hours per week. Officers performed the largest amount of work, across personnel types, in the following areas:

- Military Justice—Courts-martial (3,222.5 hours, 57.5 percent of courts-martial hours worked across personnel types)
- Other (non-legal-related services) (2,441.0 hours, 45.7 percent)
- Administrative Law (Ethics) (67.9 percent)
- Administrative Law, Military Personnel Law (70.3 percent)
- Admiralty Law (95.2 percent)
- Environmental Law (Installations) (88.7 percent)
- Environmental Law (Operations) (100 percent)
- General Litigation (57.9 percent)
- JAGMAN Investigations (62.9 percent)
- Joint Matters (50.3 percent)
- Law of War (92.3 percent)
- Military Justice—Investigations (77.8 percent)
- Military Justice—Records (43.5 percent)
- NJS (99.0 percent)
- Training-NJS (99.0 percent)
- Public Affairs (64.7 percent)

- Headquarters/Management/Program Analysis/Policy (66.6 percent)
- Headquarters/Personnel/Pay/Travel (60.7 percent)
- Training—not NJS/Other (59.7 percent).

LIMDUs are relatively small contributors to the services of the RLSOs (4.5 percent of total hours, 1,422/31,352.5), but they are nevertheless essential. They spend most of their time assisting with *other legal services* (36.6 percent of their time), *Other (non-legal-related services)* (25.6 percent), *Military Justice courts-martial* (12.5 percent), and *Administrative Law (Military Personnel Law)* (6.8 percent). It would require about 16 legalmen to perform 1,422 hours of work over a two-week period, if we assumed that legalmen work an average of 45 hours per week.

Personnel requirements of RLSOs

Table 4-196 summarizes the personnel requirement results for RLSO officers. It shows the nine RLSOs, sorted by the average hours worked per week. In general, RLSOs with higher average work hours had higher requirements. As you can see from the table, the personnel requirements of the RLSOs differ greatly, depending on whether one chooses to assume that the JAG Corps military justice workload will return to the levels before 2003 (high pre-2003 scenario) or will continue at the levels seen in recent years (low post-2003 scenario). If one assumes that the levels of military justice return to pre-2003 levels, the RLSOs will require an increase of 43 JAG Corps personnel (a 26.9-percent increase). If one assumes that the military justice workload will remain at the current post-2003 levels, the RLSOs will require very similar personnel to what they have today—for a total increase of one officer (an increase of 0.6 percent). Only one of the nine RLSOs required a decrease in personnel in *both* scenarios—Northwest, which would lose one officer (10 percent) in the high scenario and three officers (30 percent) in the low scenario.

Table 4-196. RLSO officer requirements by location and scenario

				High (pre-2003) scenario			Low (post-2003) scenario		
RLSO	Officer average hours / week	Officer adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	59.8	59.8	6	10	4	66.7%	6	0	0.0%
Southwest	51.0	51.0	27	37	10	37.0%	28	1	3.7%
Midwest	50.2	50.2	9	13	4	44.4%	10	1	11.1%
EURSWA	47.3	47.3	25	29	4	16.0%	26	1	4.0%
Hawaii	46.9	57.3	9	11	2	22.2%	9	0	0.0%
Japan	45.9	55.6	16	19	3	18.8%	17	1	6.3%
Midlant	45.1	45.1	27	34	7	25.9%	26	-1	-3.7%
Southeast	42.6	42.6	31	41	10	32.3%	32	1	3.2%
Northwest	39.5	43.9	10	9	-1	-10.0%	7	-3	-30.0%
TOTAL	**47.6**	**50.3**	**160**	**203**	**43**	**26.9%**	**161**	**1**	**0.6%**

We should keep in mind several caveats about these personnel requirements as they have been computed. These are minimum requirements—the JAG Corps could choose to provide a larger number of personnel at these locations for a number of legitimate reasons. One legitimate reason would be if a RLSO had a large number of small locations that required at least one person on site. These small outposts might sometimes have less than a full workload for a single person but at other times require the services of several personnel. Since you cannot place less than one person in a location, RLSOs with a number of small outposts will necessarily be less efficient than RLSOs with large concentrations of legal personnel. Another legitimate reason for a larger number of personnel would be if there were known plans for expansions that will require additional legal personnel—for instance, plans for the fleet to transfer more Sailors to a particular location due to Base Realignment and Closure (BRAC).

We next turn our attention to the combined results for enlisted personnel, shown in Table 4-197. There is a large difference between the results of the two scenarios. If legal workload returns to the rate it was before 2003, there would need to be 9 enlisted personnel added to the nine RLSOs—an increase of 7.0 percent over the current situation. However, if workload remains at the post-2003 level, the requirement would be for 28 fewer enlisted personnel—a decrease of 21.9 percent from the current numbers. Note that in only two location—EURSWA and Hawaii—do *both* the high and low scenarios call for a decrease in the number of enlisted personnel.

Table 4-197. RLSO non-LIMDU enlisted requirements by location and scenario

				High (pre-2003) scenario			Low (post-2003) scenario		
Location	Enlisted average hours / week	Enlisted adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	44.3	44.3	4	4	0	0.0%	2	-2	-50.0%
Southwest	42.7	45.5	17	19	2	11.8%	15	-2	-11.8%
Northwest	41.5	44.1	8	10	2	25.0%	7	-1	-12.5%
Midwest	46.1	46.1	12	21	9	75.0%	12	0	0.0%
EURSWA	37.3	44.4	18	15	-3	-16.7%	14	-4	-22.2%
Japan	36.7	37.6	12	12	0	0.0%	9	-3	-25.0%
Hawaii	36.1	36.1	6	5	-1	-16.7%	4	-2	-33.3%
Southeast	33.5	40.9	25	25	0	0.0%	18	-7	-28.0%
Midlant	33.5	39.4	26	26	0	0.0%	19	-7	-26.9%
TOTAL	**39.1**	**42.0**	**128**	**137**	**9**	**7.0%**	**100**	**-28**	**-21.9%**

Why are the requirements for enlisted personnel so much lower than they were for the officers? The major reason is that enlisted personnel simply do not work as many hours, on average, as the officers do. When we divide the hours by the same factor (we used a 50-hour workweek), it is certain that enlisted personnel will not fare as well as the officers. Another reason that the enlisted requirements are lower has to do with the distribution of the workload for enlisted. Enlisted personnel had a higher percentage of their time in *other (non-legal-related services)*, *other (legal services)*, and *NJP*, which have been decreasing in recent years. The other categories are decreasing as a function of Navy manpower, whereas evidence shows that NJP is decreasing faster than the drawdown of Navy personnel.

We next turn our attention to the civilians, shown in Table 4-198, which has the requirements for civilian personnel using a 40-hour workweek. As you can see, there is, once again, a stark difference in personnel requirements, depending on whether one assumes a pre-2003 or a post-2003 military justice workload. In the pre-2003 (higher) scenario, there would be a need for an additional 20 civilians—an increase of 14.3 percent. In the post-2003 (lower) scenario, there would be a decrease of 4 (2.9 percent). Note that in only one location, EURSWA do both of the scenarios call for a decrease in the number of civilian personnel. This might be because some civilians might be working part-time in EURSWA. Our calculations are based on the assumption that employees are working full time.

Table 4-198. RLSO civilian requirements (40-hour workweek) by location and scenario

Location	Civilian average hours / week	Civilian adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Hawaii	42.8	49.3	8	11	3	37.5%	9	1	12.5%
Southwest	40.2	43.7	21	27	6	28.6%	22	1	4.8%
Northwest	39.9	41.9	10	11	1	10.0%	10	0	0.0%
Japan	39.9	41.9	19	19	0	0.0%	19	0	0.0%
Midwest	38.7	40.3	10	15	5	50.0%	11	1	10.0%
NDW	35.8	39.7	4	4	0	0.0%	3	-1	-25.0%
Southeast	35.2	40.5	19	24	5	26.3%	20	1	5.3%
EURSWA	34.9	38.8	25	21	-4	-16.0%	21	-4	-16.0%
Midlant	32.6	40.3	24	28	4	16.7%	21	-3	-12.5%
TOTAL	**37.8**	**41.8**	**140**	**160**	**20**	**14.3%**	**136**	**-4**	**-2.9%**

An important note is that, even though these requirements are lower than those for officers, they are not as low as the requirements for enlisted personnel. This is because we applied a 40-hour workweek standard for civilians, as opposed to the 50-hour workweek used in setting enlisted requirements.

Another important note is that commands vary according to their amount of dependence on LIMDUs. RLSO Midlant, for example, is highly dependent on LIMDUs, with 26 LIMDU personnel out of 96 total. Other commands have few, if any, LIMDU personnel.

In conclusion, we have described, in detail, the workload of the officers, enlisted, and civilian personnel in the RLSOs (see Table 4-195). The major factor in determining whether this workload leads to an increase or decrease in future workload requirements is whether one believes that the demand for military justice will return to what is was before 2003 (pre-2003 scenario) or will remain at current (post-2003) levels. A return to pre-2003 levels would require an increase of JAG Corps personnel, but, if workload remains at current levels, the requirement for legal personnel at RLSOs will decrease.

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Chapter 5. Naval Legal Service Office (NLSO) results

NLSO Midlant

Current personnel count

The analysis for NLSO Midlant covers the main NLSO office in Norfolk as well as the branch office in Oceana (see Table 5-1).

Table 5-1. NLSO Midlant respondents

Employment Status	Civilian	Enlisted - LIMDU	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Grand Total
Administrative	5				5
Defense Counsel				10	10
Enlisted - Admin Support		1			1
Enlisted - Legalmen		1	9		10
Executive				2	2
Legal Assistance Attorney	2			11	13
LIMDU		23			23
Paralegal	6				6
SJA				1	1
Grand Total	***13***	***25***	***9***	***24***	***71***
Actual NLSO Total	***13***	***44***	***8***	***28***	***93***

Overall, the response rate for the workload survey was very high. From Table 5-2, we note that approximately 76 percent of all the NLSO personnel at all offices completed at least 1 day of the workload diary. Interestingly, we actually had an overcount of officer and enlisted responses. Specifically, 9 enlisted personnel entered data in the workload diary; however, according to the billet file provided to us by OJAG headquarters, there were only 8 enlisted personnel on

the staff, and 1 of those was an IA serving in either Afghanistan or Iraq. Similarly, we had 24 of 28 officers respond, although, according to the same billet file, 6 officers were in IA status as well. Because we were unable to reconcile these differences, we simply assumed that the billet file may be somewhat out of date and concluded that the overall response rate was sufficiently high to believe that the data represent the actual work done at the command.

We also note that all of the employee types for officer, civilian, and enlisted are largely composed of attorneys and other legal professionals. The NLSOs have a minimal administrative staff, two executive officers (CO, XO, Director, etc.), and no personnel working in other overhead positions (IT, resource management, human resources, etc.).

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing.

Table 5-2. NLSO Midlant average hours worked by employment status

Current employment status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Workweek (Adjusted)
Civilian	883	13	34.0	8.7	39.1
Enlisted - LIMDU	389	25	7.8	2.4	32.4
Enlisted (including active duty or reserve)	559.5	9	31.1	7.9	39.3
Officer (including active duty or reserve)	2,420	24	50.4	10.1	50.4
Total Hours	***4,251.5***	***71***	***29.9***	***6.8***	***44.0***

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status,

we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. If the personnel type worked more than 5 days per week, we made no adjustment and assumed that this represented a typical week. These results are in Table 5-3.

Table 5-3. Distribution of hours by task (officers only)

NLSO Midlant Officer Table	Admin	Exec/ Exec Support	Instructor	Legal	Other	Security	Tax	Training	Travel	Grand Total
Defense Counsel	28	41.5	2.5	761.5	121.5			130.5	33	1,118.5
Executive	29	49	2.5	4	55.5	6		6.5		152.5
Legal Assistance Attorney	108	34.5	6.5	592	137.5		1	67	15	961.5
SJA	4		11.5	71.5	88.5				12	187.5
Total Hours	169	125	23	1429	403	6	1	204	60	2,420

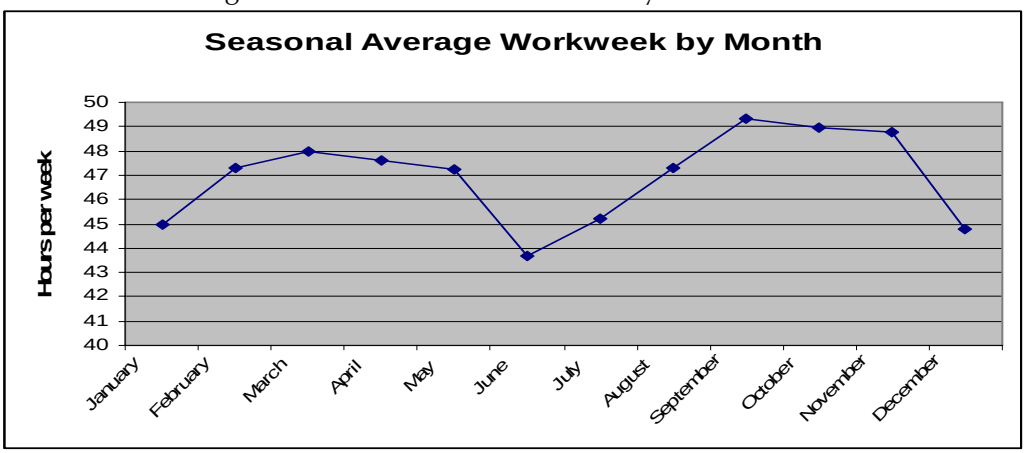
As we can see, the officers had the longest workweek even after adjustments were made. They worked 50 plus hours per week. They were followed by the enlisted and the civilian personnel, each working slightly less than a 40-hour week. Raw average hours worked for LIMDUs was low because the command asked them to complete only 2 days in their workload diary (although some continued to enter more data afterward). This was done because their typical duties do not change much on a day-to-day basis. When adjusted for a 5-day workweek, their average workweek was about 32 hours. Although this may seem low, it reflects the fact that many LIMDUs do not work complete days due to doctor visits and other restraints on their workday. In sum, we conclude that, while the officers seem to be experiencing some level of stress, the rest of the command is not.

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-1 shows that there is a slump in activity in June, which rebounds thereafter only to fall again in December. The 2 weeks in which we collected data repre-

sent about 3 hours less than the entire yearly average. Thus, we conclude that our survey data are slightly underrepresentative of an average month by about 3.2 hours.

Figure 5-1. Seasonal workweek by month

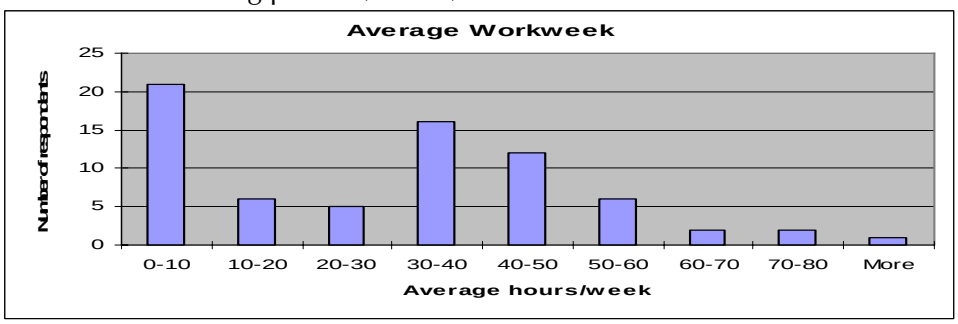


Employees who work over 50 hours per week

The unadjusted average workweek for the NLSO was 29 hours. As mentioned earlier, however, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time, as well as a large contingent of LIMDUs who were asked to fill out only 2 days of the work diary.

Figure 5-2 offers a more complete picture of hours worked per employee. Specifically, 23 of 71 employees (or 32 percent of the workforce) worked 40 plus hours per week during the survey. However, as we noted previously, the LIMDU personnel were asked to enter only 2 days in their diaries. If we subtract them from our count, 50 percent of the personnel worked greater than 40 hours per week.

Figure 5-2. Total unadjusted hours worked during the 2-week reporting period (n = 71)



Further, approximately 15 percent of the workforce (i.e., 11 of 71 employees) actually worked over 50 hours on a weekly basis. All 11 were officers. Of the 11 officers, 8 were defense counsel, 2 were legal assistance attorneys, and 1 was an SJA. From these data, we conclude that the most stressed part of these offices were the officers working in a legal area. The rest of the command worked hours consistent with a 40-hour workweek. From these data, we conclude that most of the staff is not very stressed.

Indicators that the workforce is cross-tasked too much

Table 5-4 through Table 5-8 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-5 that, of the total hours worked during the 2-week diary, over 59 percent (1,429/2,420) were related to legal tasks. If we add training to legal tasks—and training is a legitimate legal task—the percentage of time spent on legal tasks increases to 67 percent (1,633/2,420). Training by itself accounted for 204 hours (8 percent) for all officers' time, and a slightly higher percentage (130.5 hours, 12 percent) for defense counsel. If we add both administrative and training tasks to legal (because you have to make appointments), the percentage of legal tasks rises to 1,802, or 74 percent. Other tasks accounted for 403 hours (17 percent). This indicates that some of the work that officers do was difficult to categorize. We also note that the SJA spent 47 percent of his time doing other ancillary tasks. This makes sense, because an SJA works on a very wide variety of issues that might be difficult to categorize. The rest of the

functional area tasks accounted individually for small shares of the overall hours.

Members of the civilian community are somewhat more focused on their primary functional areas than the officers, spending less time doing other ancillary military duties and very little time receiving training. The paralegals and the legal assistance attorney, however, spent a large portion of their time doing administrative tasks.

The LIMDU community reported that most of its hours were spent doing admin and other ancillary tasks. The CO of NLSO Midlant told us that the LIMDUs under his command work in operations, legal assistance, or defense divisions. None of the LIMDUs usually work helping with taxes. However, we double-checked the data and found that one LIMDU did, in fact, report 14.5 hours doing taxes—we have no way of knowing whether this is a reporting error or a temporary assignment.

The enlisted legalmen spent very little time doing actual legal-related tasks. Rather, over half of their time was spent doing admin and other ancillary tasks.

In sum, all personnel spent some time doing work outside their specialties. This is especially true for the officers and enlisted. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. Rather, it is probably the case that the positions in a NLSO naturally require that a certain amount of time be spent doing tasks outside one's specialty.

Table 5-4. Percentage distribution of hours by task (officers only)

NLSO Midlant Officer Table	Ad-min	Exec/ Exec Support	Instructor	Legal	Other	Secu-rity	Tax	Train-ing	Travel
Defense Counsel	3%	4%	0%	68%	11%	0%	0%	12%	3%
Executive	**19%**	32%	2%	3%	**36%**	4%	0%	4%	0%
Legal Assistance Attorney	11%	4%	1%	62%	14%	0%	0%	7%	2%
SJA	2%	0%	6%	38%	**47%**	0%	0%	0%	6%

Table 5-5. Distribution of hours by task (civilian only)

NLSO Midlant Civilian Table	Admin	Exec/ Exec Spt	Facility	Human Res	Instruc-tor	Legal	Other	Res Mgmt	Grand Total
Administrative	224.5	17	27.5	13.5		7	7.5	27.5	324.5
Legal Assistance Attorney	27.5	6			20	77.5	22		153
Paralegal	108	1			3.5	287	6		405.5
Total Hours	360	24	27.5	13.5	23.5	371.5	35.5	27.5	883

Table 5-6. Percentage distribution of hours by task (civilian only)

NLSO Midlant Civilian Table	Admin	Exec/ Exec Spt	Facility	Human Res	Instruc-tor	Legal	Other	Res Mgmt
Administrative	69%	5%	8%	4%	0%	2%	2%	8%
Legal Assistance Attorney	**18%**	4%	0%	0%	13%	51%	14%	0%
Paralegal	**27%**	0%	0%	0%	1%	71%	1%	0%

Table 5-7. Distribution of hours by task (enlisted only)

NLSO Midlant Enlisted Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hu-man Res	In-struc-tor	Le-gal	Other	Se-cu-rity	Tax	Train-ing	Trav-el	Grand Total
Enlisted - LIMDU	242	24	1.5		4.5	19	68		11.5	17	1.5	389
Enlisted - Legalmen	193.5	49		1	1.5	168	125.5	19			2	559.5
Total Hours	435.5	73	1.5	1	6	187	193.5	19	11.5	17	3.5	948.5

Table 5-8. Percentage distribution of hours by task (enlisted only)

NLSO Midlant Enlisted Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hum Res	In-struc-tor	Le-gal	Other	Se-cu-rity	Tax	Train-ing	Trav-el
Enlisted - LIMDU	62%	6%	0%	0%	1%	5%	17%	0%	3%	4%	0%
Enlisted - Legalmen	**35%**	9%	0%	0%	0%	30%	**22%**	3%	0%	0%	0%

Direct versus indirect hours worked

Table 5-9 through Table 5-14 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In Table 5-9 through Table 5-14, they are shaded in grey and generally refer to such work output as budget services and human resource services.

Officers spent 2,048 hours (or about 85 percent of their total time) providing some type of legal service. Defense counsel spent about 70 percent of their time working on military-justice-related issues. The SJA provided a much larger variety of legal services, including claims assistance and environmental law support, and the legal assistance attorney spent about 73 percent of the time doing actual legal assistance work.

Civilians spent 601 hours (or 68 percent of their time) doing legal work, mostly in their related fields. The legal assistance attorneys, for example, spent 76 percent of their time doing legal assistance.

The enlisted personnel spent 631 hours (or 65 percent of their total time) on a wide range of legal services with a great portion of that number devoted to legal assistance and other legal services.

In sum, when looking at how the NLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that the officers spend much more time doing a greater variety of non-legal tasks in creating actual legal services, especially courts-martial. This may be due to the nature of military justice. That is, courts-martial and other related military justice legal services may require a great deal of administrative and other ancillary tasks to be done in support.

Although the enlisted and civilian personnel are more focused on their specific tasks areas, they are also heavily involved in providing

some form of legal service. This would imply the opposite of the case for the officers. That is, the nature of their work requires less administrative tasks to be done in support.

Table 5-9. Distribution of hours across product and service areas (officers only)

NLSO Midlant - Officer Table	Defense Counsel	Executive	Legal Assistance Attorney	SJA	Total Hours
Administrative Law (Military Personnel Law)	2.5				2.5
Claims				71	71
Environmental Law (Operational)				36.5	36.5
General Litigation	0.5				0.5
International & Operational Law				22.5	22.5
JAGMAN Investigations				21	21
Law of War			1		1
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		0.5	702		702.5
Legal Assistance-Taxes		45.5	1		46.5
Military Justice-Administrative Separations	215.5				215.5
Military Justice-Courts-martial	557.5	3			560.5
Military Justice-Investigations	3			6.5	9.5
Military Justice-Judiciary	1				1
Military Justice-National Security Cases	2.5				2.5
Military Justice-NJP	14.5				14.5
Military Justice-Records	1				1
Naval Justice School (NJS)	13.5				13.5
Other (legal services)	29.5	39	67	7.5	143
Training-NJS	131.5		52		183.5
(No Area)	2		31.5		33.5
Headquarters/Management/Program Analysis/Policy		0.5			0.5
Other (non-legal-related services)	123	58	99	20.5	300.5
Other product area (e.g., security, facility management, administrative)	21	6		2	29
Training-not NJS/Other			8		8
Grand Total	***1,118.5***	***152.5***	***961.5***	***187.5***	***2,420***

Table 5-10. Percentage distribution of hours across product and service areas (officers only)

NLSO Midlant - Officer Table	Defense Counsel	Executive	Legal Assistance Attorney	SJA
Administrative Law (Military Personnel Law)	0%	0%	0%	0%
Claims	0%	0%	0%	38%
Environmental Law (Operational)	0%	0%	0%	19%
General Litigation	0%	0%	0%	0%
International & Operational Law	0%	0%	0%	12%
JAGMAN Investigations	0%	0%	0%	11%
Law of War	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	73%	0%
Legal Assistance-Taxes	0%	30%	0%	0%
Military Justice-Administrative Separations	19%	0%	0%	0%
Military Justice-Courts-martial	50%	2%	0%	0%
Military Justice-Investigations	0%	0%	0%	3%
Military Justice-Judiciary	0%	0%	0%	0%
Military Justice-National Security Cases	0%	0%	0%	0%
Military Justice-NJP	1%	0%	0%	0%
Military Justice-Records	0%	0%	0%	0%
Naval Justice School (NJS)	1%	0%	0%	0%
Other (legal services)	3%	26%	7%	4%
Training-NJS	12%	0%	5%	0%
(No Area)	0%	0%	3%	0%
Headquarters/Management/Program Analysis/Policy	0%	0%	0%	0%
Other (non-legal-related services)	11%	38%	10%	11%
Other product area (e.g., security, facility management, administrative)	2%	4%	0%	1%
Training-not NJS/Other	0%	0%	1%	0%

Table 5-11. Distribution of hours across product and service areas (civilians only)

NLSO Midlant - Civilian Table	Admin-istrative	Legal Assist. Atty.	Para-legal	Total Hours
Claims			72	72
Environmental Law (Operational)			7	7
International & Operational Law			4.5	4.5
JAGMAN Investigations			1.5	1.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	81.5	117	134	332.5
Military Justice-Administrative Separa-tions			19.5	19.5
Military Justice-Courts-martial			80	80
Military Justice-NJP			23	23
Military Justice-Records			3	3
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)		6.5		6.5
Other (legal services)		8.5	42	50.5
Training-NJS		1.5		1.5
(No Area)		4		4
HQ/Management/Program Analysis/ Policy			1	1
Other (non-legal-related services)	243	3	4	250
Other product area (e.g., security, facil-ity management, administrative)			10	10
Training-not NJS/Other		12.5	4	16.5
Grand Total	***324.5***	***153***	***405.5***	***883***

Table 5-12. Percentage distribution of hours across product and service areas (civilians only)

NLSO Midlant - Civilian Table	Adminis-trative	Legal Assist. Atty.	Paralegal
Claims	0%	0%	18%
Environmental Law (Operational)	0%	0%	2%
International & Operational Law	0%	0%	1%
JAGMAN Investigations	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	25%	76%	33%
Military Justice-Administrative Separa-tions	0%	0%	5%
Military Justice-Courts-martial	0%	0%	20%
Military Justice-NJP	0%	0%	6%
Military Justice-Records	0%	0%	1%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	4%	0%
Other (legal services)	0%	6%	10%
Training-NJS	0%	1%	0%
(No Area)	0%	3%	0%
HQ/Management/Program Analysis/ Policy	0%	0%	0%
Other (non-legal-related services)	75%	2%	1%
Other product area (e.g., security, facil-ity management, administrative)	0%	0%	2%
Training-not NJS/Other	0%	8%	1%

Table 5-13. Distribution of hours across product and service areas (enlisted only)

NLSO Midlant - Enlisted Table	LIMDU	Enlisted - Legalmen	Grand Total
Administrative Law (Ethics)	4		4
Administrative Law (Military Personnel Law)	20.5	15	35.5
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA, etc.)	11.5		11.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	102	141	243
Legal Assistance-Taxes	16		16
Military Justice-Administrative Separations	31	28.5	59.5
Military Justice-Courts-martial	15.5	29.5	45
Military Justice-Investigations		7	7
Military Justice-Judiciary		8	8
Military Justice-NJP	10.5		10.5
Military Justice-Records	0.5		0.5
Other (legal services)	12.5	177.5	190
Training-NJS		1	1
(No Area)	2.5	61.5	64
Other (non-legal-related services)	50.5	88	138.5
Other product area (e.g., security, facility management, administrative)	112	2.5	114.5
Grand Total	***389***	***559.5***	***948.5***

Table 5-14. Percentage distribution of hours across product and service areas (enlisted only)

NLSO Midlant - Enlisted Table	LIMDU	Enlisted - Legalmen
Administrative Law (Ethics)	1%	0%
Administrative Law (Military Personnel Law)	5%	3%
Administrative Law (Misc-prof resp, directive/ instr review, FOIA/PA, etc.)	3%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	26%	25%
Legal Assistance-Taxes	4%	0%
Military Justice-Administrative Separations	8%	5%
Military Justice-Courts-martial	4%	5%
Military Justice-Investigations	0%	1%
Military Justice-Judiciary	0%	1%
Military Justice-NJP	3%	0%
Military Justice-Records	0%	0%
Other (legal services)	3%	32%
Training-NJS	0%	0%
(No Area)	1%	11%
Other (non-legal-related services)	13%	16%
Other product area (e.g., security, facility management, administrative)	29%	0%

NLSO Midlant manpower requirements—FY 08 to FY 10

As shown earlier in Table 5-1, the overall response rate to the survey was very high. Technically, the billet file for the NLSOs shows 28 officer positions. However, 6 of them were listed as IAs and were not actually working at the NLSO offices. Our data show 24 officers responding to the work diary. Thus, we have an overcount of 2 officers. We had a similar problem with the enlisted where the billet file showed 8 enlisted positions in total, including one IA (thus, 7 total possible respondents), while our data showed 9 enlisted respondents. LIMDU participation was also high, with 25 respondents from a population of 44. The civilian response was excellent, with 100-percent participation.

Recall from chapter 3 that we developed a series of rules for estimating the future workload based on either data supplied to us by

OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 10 defense counsel who completed the diary spent 557.5 hours doing GCM work. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 903.2 hours (1.66 x .976 x 557.5). Applying the appropriate rule for future workload to the other service areas gives us a total of 1,707.8 hours of expected work (versus 1,118.5 recorded in the diary), but we also need to adjust for the fact that June was a slow month for the NLSOs, with a workload approximately 7 percent lower. This adjustment brings the estimated hours up to 1,827.6 (1,707.8 x 1.07). Assuming a 50-hour workweek (or 90 hours for 2 weeks) implies that NLSO Midlant will require about 20 (versus the current 10) defense counsel. Applying the same logic in the low case (post-2003 scenario) yields the officer manpower requirements shown in table 5-16. Manpower requirements under both scenarios for the enlisted and civilian components of NLSO Midlant are shown in Table 5-15 through Table 5-20.

We caveat these results by stressing that, in both scenarios, these numbers represent the *minimum* required personnel. Environmental and international law represent two areas of growth that are probably underestimated in our future projections. In addition, while we did adjust for the seasonality effect of June, discussions with the leadership at NLSO Midlant suggest that our estimate may be low, leading to an underestimate of future requirements.

Table 5-15. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

Fiscal Year	Defense Counsel	Executive	Legal Assistance Attorney	SJA	Total	Current Total	Difference
Total manpower required '08	20	2	11	2	36	28	8
Total manpower required '09	20	2	11	2	35	28	7
Total manpower required '10	20	2	11	2	35	28	7

Table 5-16. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

Fiscal Year	Defense Counsel	Executive	Legal Assistance Attorney	SJA	Total	Current Total	Difference
Total manpower required '08	13	2	11	2	28	28	0
Total manpower required '09	13	2	11	2	28	28	0
Total manpower required '10	13	2	11	2	28	28	0

Table 5-17. Enlisted manpower requirements (pre-2003) – FY08 to FY10

NLSO Midlant Enlisted requirements	Need for LIMDUs	Difference from current number of LIMDUs (44)	Enlisted - Legalmen requirement	Difference from current number (8)
Total manpower required '08	38	-6	7	-1
Total manpower required '09	38	-6	7	-1
Total manpower required '10	38	-6	7	-1

Table 5-18. Enlisted manpower requirements (post-2003) – FY08 to FY10

NLSO Midlant Enlisted requirements	Need for LIMDUs	Difference from current number of LIMDUs (44)	Enlisted - Legalmen requirement	Difference from current number (8)
Total manpower required '08	33	-11	7	-1
Total manpower required '09	33	-11	6	-2
Total manpower required '10	33	-11	6	-2

Table 5-19. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Legal Assistance Attorney	Paralegal	Total	Current Total	Difference
Total manpower required '08	5	2	8	15	13	2
Total manpower required '09	5	2	7	14	13	1
Total manpower required '10	5	2	7	14	13	1

Table 5-20. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Legal Assistance Attorney	Paralegal	Total	Current Total	Difference
Total manpower required '08	5	2	6	13	13	0
Total manpower required '09	5	2	6	13	13	0
Total manpower required '10	5	2	6	13	13	0

NLSO Midlant summary

The current manpower strength for officers is about right, assuming that the post-2003 military justice paradigm continues. Twenty-two of 28 billets are filled, and the other 6 are in IA status. Our calculations show that all 28 officers are needed to manage the workload out to 2010. This is primarily due to the high hours currently worked by the officers and the fact that the Navy drawdown in total manpower, which drives mil-justice workload, will be very small over the next 3 years. The officer requirement increases under the pre-2003 scenario due to a substantial increase in mil-justice workload.

The legalman requirement is slightly less under both scenarios—driven by a shorter workweek than the officer community's and a 50-hour workweek requirement for uniformed personnel. The decrease in legalmen is matched by a slight increase in civilians under the pre-2003 scenario and a draw in the post-2003 scenario.

There are several caveats to the LIMDU requirements. First, we used a 50-hour workweek for the LIMDUs, as we did for all other military personnel. In reality, many LIMDUs are restricted from working long workweeks due to medical reasons. Thus, 50-hour workweeks are not a realistic requirement. Second, the CO told us that LIMDUs at his command work in ops, legal assistance, or defense divisions. Third, there is very little direct cost to the NLSO for LIMDUs. As long as the indirect costs (administrative, NMCI seats, etc.) are sufficiently low, there will always be value in having more LIMDUs on staff doing work that might not get done otherwise. However, it is difficult to state precise LIMDU requirements, given that each LIMDU has unique medical restrictions on length of the workday, days of work, and type of work that he or she can perform.

NLSO Southwest

Current personnel count

The analysis for NLSO Southwest (SW) covers the main NLSO office in San Diego as well as the branch offices in North Island, Port Hueneme, and Lemoore. As Table 5-21 shows, a wide variety of employee types were represented in the respondents to the work diary.

Table 5-21. NLSO Southwest respondents

Employment status	Civilian	Enlisted	Enlisted-LIMDU	Officer	Officer LIMDU	Grand Total
Administrative Officer-Manager				1		1
Civilian Paralegal	3					3
Claims Technician	1					1
Clerical-Administrative	4					4
Defense Counsel (incl. some legal asst tasks)				13		13
Enlisted--Comms & Intell (e.g., OS, IT, AC, CT)			5			5
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)			10			10
Enlisted--Electronics (e.g., ST, FC, ET, AT)			3			3
Enlisted--Functional Support/Admin (e.g., YN, PS, JO, AZ)			2			2
Enlisted-Legalman (or equivalent Marine)		6				6
Enlisted--Seamanship, Navigation (e.g., SN, BM, QM)			1			1
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)			1			1
Executive (Director, CO, XO, Special Asst)				2		2
Legal Admin Assistant	2			1		3
Legal Assistance Attorney	2			5	1	8
Resource Management/Contracts/Fiscal	1					1
Grand total	**13**	**6**	**22**	**22**	**1**	**64**
Actual NLSO total	**14**	**11**	**30**	**35**	**1**	**91**

Overall, the response rate for the workload survey was very high. From Table 5-22, we note that approximately 70 percent of all the NLSO personnel at all offices completed at least 1 day of the workload diary. We initially had an overcount of civilian responses: 16 civilian personnel entered data in the workload diary, but, according

to the billet file provided by OJAG headquarters, there were only 14 civilian personnel on the staff. We note that 3 of the civilians listed themselves as claims technicians, although our understanding is that claims technicians are no longer assigned to the NLSOs. We deleted two of those claims technicians from the NLSO database, saving their responses for our separate analyses of claims functions.

We obtained a very large sample of LIMDU personnel at NLSO Southwest (22 enlisted and 1 officer), and their responses will be very different from those of regular full-time employees. It is also apparent that NLSO Southwest has a relatively small executive staff, with a commanding officer and 1 executive officer.

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. Our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing (see Table 5-22).

Table 5-22. NLSO Southwest average hours worked by employment status

Current employment status	Total hours	Total personnel reporting	Average work-week	Average days worked	Average workweek (adjusted)
Civilian	843.0	13	32.4	7.9	41.0
Enlisted (including active duty or reserve)	496.5	6	41.4	9.7	42.7
Enlisted - LIMDU	536.0	22	12.2	3.1	39.3
Officer (including active duty or reserve)	2,351.5	22	53.4	11.0	53.4
Officer-LIMDU (including active duty or reserve)	64.0	1	32.0	10.0	32.0
Total	*4,291.0*	*64*	*33.5*	*7.3*	*45.9*

The survey collected hours worked on a daily basis for 2 weeks. During that time, some personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then

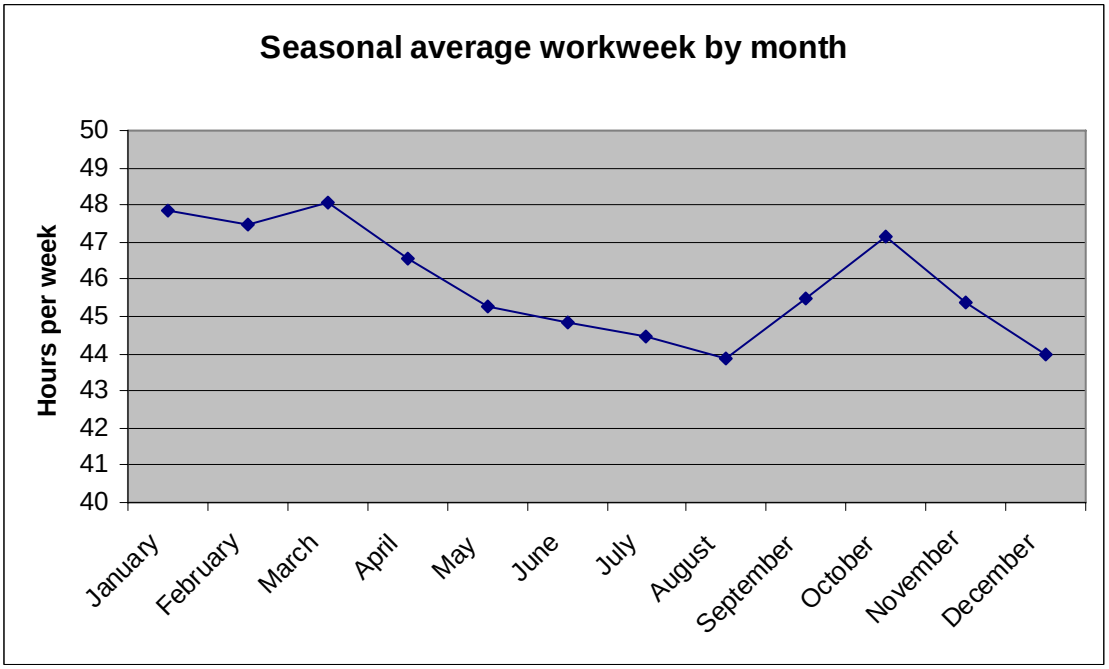
adjusted the raw average workweek to reflect a "typical" 5-day workweek. If the personnel type worked more than 5 days per week, we made no adjustment and assumed that this represented a typical week. These results are in Table 5-22.

As we can see, the officers had the longest workweek, even after adjustments were made. On average, they worked 50 plus hours per week. They were followed by the enlisted and civilian personnel, each working a little more than a 40-hour week. Raw average hours worked for enlisted LIMDUs was low because the command asked them to complete only 2 days in their workload diary (although some continued to enter more data afterward). This was done because their typical duties do not change much on a day-to-day basis. When adjusted for a 5-day workweek, their average workweek was about 39 hours. Although this may seem low, it reflects the fact that many LIMDUs do not work complete days due to doctor visits and other restraints on their workday. We conclude that, while the officers seem to be experiencing some level of stress, the rest of the command is not experiencing high stress, on average.

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-3 shows that there is a gradual slump in activity from March to August; it rebounds thereafter, only to fall again in December. The 2 weeks for which we collected data, in June, represents about an hour less than the entire yearly average. So, we conclude that our survey data are slightly underrepresentative of an average month. The average work hours in June were estimated to be 44.8 hours per week, compared with an overall yearly average of 45.9. We will adjust the hours for NLSO Southwest by a factor of 1.024, which is proportional to those values (45.9/44.8 = 1.024).

Figure 5-3. Seasonal average workweek by month for NLSO Southwest (n = 64)



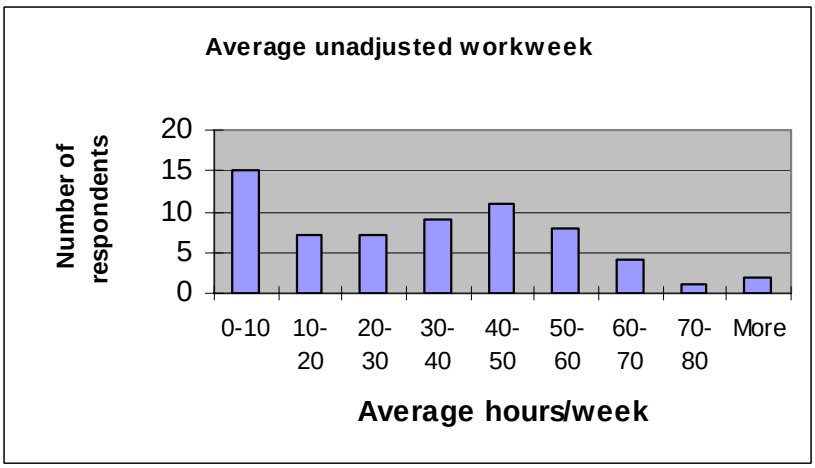
Employees who work over 50 hours per week

The unadjusted average workweek for the NLSO was 33.5 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. It includes 22 enlisted LIMDUs and 1 officer LIMDU. LIMDUs, in general, work less than a full workweek. Table 5-4 offers a more complete picture of hours worked per employee. Specifically, 25 of 64 employees (or 39 percent of the workforce) worked 40 plus hours per week during the survey. As we noted previously, however, the LIMDU population was asked to enter only 2 days in the diary. If we subtract them from our count, 59 percent of the personnel worked more than 40 hours per week.

Thefirst three bars of Figure 5-4 reflects almost all LIMDU personnel. The impact of the LIMDUs on the statistics should be given careful consideration. The average workweek without LIMDUs is 45.0 hours, which indicates a very full schedule for non-LIMDU personnel. As Figure 5-4 shows, some people were working extremely

long hours. One officer averaged over 100 hours per week; another averaged 84 hours per week.

Figure 5-4. Average unadjusted workweek for NLSO Southwest (n = 64)



Further, approximately 37 percent of the workforce (i.e., 15 of 41 non-LIMDU personnel) actually worked over 50 hours on a weekly basis. All 15 were officers. Of the 15 officers, 10 were defense counsel, 2 were executive or administrative officers, and 3 were legal assistance attorneys. From these data, we conclude that the most stressed part of these offices were the officers working in a legal area or an executive function. The rest of the command worked hours consistent with a 40-hour workweek.

Indicators that the workforce is cross-tasked too much

Table 5-23 through Table 5-28 offer insights into whether the personnel are spending their time in their specialty areas. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and indicates either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in bold red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-23 that, of the total hours worked during the 2-week diary, over 57 percent (1,384/2,415.5) were related to legal tasks. Executive, executive support, and other tasks also accounted for a significant number of officer hours. This indicates that the officers spend most of their time doing legal work, especially the defense counsel, legal assistance attorney, and LDO paralegal. However, they also spend a great deal of their time doing other work (366 hours), which shows that officers are sometimes called on to perform non-legal functions. Not surprisingly, executive and administrative functions (231 and 195 hours, respectively), constituted the third and fourth largest categories of officer tasks. From Table 5-24, the only statistic of concern is that executive officers (CO, XO, etc.) spent 21 percent of their time performing administrative tasks; this indicates a possible need for administrative staff to relieve them of administrative burdens. The rest of the functional area tasks accounted individually for small shares of the overall hours.

Table 5-25 and Table 5-26 show that the civilian community is spending a majority of its time (446.5/843.0, or 53 percent) performing administrative tasks. The next largest category is legal tasks (245 hours, 29 percent); all other categories are comparatively small. It is noteworthy that the paralegals spent 40 percent of their time on administrative tasks, which is more than we would have expected. The resource management personnel also spent a large percentage of time (28 percent) on administrative tasks. The claims technician in the sample said that 100 percent of his or her time was spent on administrative tasks.

Table 5-27 and Table 5-28 show the time spent on tasks by the enlisted community, including both LIMDUs and legalmen. Members of the LIMDU community reported that most of their hours were spent doing admin (42 percent), taxes (22 percent), and other ancillary tasks (22 percent). This labor force plays a more important role as tax advisors during the tax season, though they were still performing some tax work in June. An interesting feature of table 7 is that LIMDUs contributed 536 hours of work to NLSO Southwest; the LIMDUs are clearly an important labor source.

Tables 5-27 and 5-28 show that enlisted legalmen spent 31 percent of their time performing other, ancillary tasks—followed by

legal (27 percent) and admin tasks (19 percent). The large share of time performing other, ancillary tasks shows that they, like officers, are often called on to perform duties outside the legal field.

In sum, all personnel spent some time doing work outside their specialties. This is especially true for the officers and enlisted. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. The numbers show that enlisted LIMDUs perform a large share of the total administrative burden. Rather, it is probably the case that the positions in a NLSO naturally require that a certain amount of time be spent doing tasks outside one's specialty.

Table 5-23. Distribution of hours by task (officers only)

NLSO SW officer table	Admin	Exec/ Exec Spt	Facility	Human Res	Instructor	Legal	Other	Res Mgmt	Training	Travel	Grand Total
Admin	10.5	83.0	3.0	3.5	0.0	1.5	23.5	3.0	0.0	0.0	128.0
Defense Counsel	50.5	17.5	0.0	0.0	9.5	918.0	158.5	0.0	124.5	73.0	1,351.5
Exec	43.5	91.0	0.0	0.0	1.0	0.0	57.5	1.5	0.0	10.0	204.5
Legal Assist. Atty.	84.5	39.5	0.0	0.0	1.0	410.0	117.5	0.0	2.5	3.0	658.0
Paralegal (LDO)	6.0	0.0	0.0	0.0	0.0	54.5	10.0	0.0	0.0	3.0	73.5
Total hours	195.0	231.0	3.0	3.5	11.5	1,384.0	366.0	4.5	127.0	89.0	2,415.5

Table 5-24. Percentage distribution of hours by task (officers only)

NLSO SW officer table	Adminis-trative	Defense Counsel	Executive	Legal Assistance Attorney	Paralegal (LDO)
Admin	8%	4%	21%	13%	8%
Executive/ Executive Support	65%	1%	44%	6%	0%
Facility	2%	0%	0%	0%	0%
Human Resources	3%	0%	0%	0%	0%
Instructor	0%	1%	0%	0%	0%
Legal	1%	68%	0%	62%	74%
Mgmt/ Plans/ Manpower	0%	0%	0%	0%	0%
Other	18%	12%	28%	18%	14%
Resource Mgmt	2%	0%	1%	0%	0%
Security	0%	0%	0%	0%	0%
Training	0%	9%	0%	0%	0%
Travel	0%	5%	5%	0%	4%

Table 5-25. Distribution of hours by task (civilians only)

NLSO Southwest civilian table	Adminis-trative	Claims Attorney/ Technician	Legal Assistance Attorney	Paralegal	Resource Mgmt	Total hours
Admin	229.5	61.5	9.5	129.5	16.5	446.5
Executive/ Executive Support	0.0	0.0	2.5	5.5	0.0	8.0
Facility	6.0	0.0	0.0	0.0	1.0	7.0
Human Resources	26.5	0.0	0.0	0.0	0.0	26.5
Instructor	1.0	0.0	1.0	5.5	0.0	7.5
Legal	21.5	0.0	63.0	160.5	0.0	245.0
Other	19.5	0	7.5	11	5	43
Resource Mgmt	6.0	0.0	0.0	0.0	36.5	42.5
Tax	0.0	0.0	0.0	1.0	0.0	1.0
Training	5.5	0.0	2.0	7.5	0.0	15.0
Travel	0.0	0.0	1.0	0.0	0.0	1.0
Grand Total	315.5	61.5	86.5	320.5	59.0	843.0

Table 5-26. Percentage distribution of hours by task (civilians only)

NLSO Southwest civilian table	Admin-istrative	Claims Attorney/ Technician	Legal Assistance Attorney	Para-legal	Re-source Mgmt
Admin	73%	100%	11%	40%	28%
Executive/ Executive Support	0%	0%	3%	2%	0%
Facility	2%	0%	0%	0%	2%
Human Resources	8%	0%	0%	0%	0%
Instructor	0%	0%	1%	2%	0%
Legal	7%	0%	73%	50%	0%
Other	6%	0%	9%	3%	8%
Resource Mgmt	2%	0%	0%	0%	62%
Tax	0%	0%	0%	0%	0%
Training	2%	0%	2%	2%	0%
Travel	0%	0%	1%	0%	0%

Table 5-27. Distribution of hours by task (enlisted only)

NLSO Southwest enlisted table	Enlisted (including active duty or reserve)	LIMDU-Enlisted (including active duty or reserve)	Total hours
Admin	94.5	224.5	319.0
Executive/ Executive Support	84.0	14.5	98.5
Facility	0.0	0.5	0.5
Human Resources	0.5	0	0.5
Instructor	3.0	1.5	4.5
Legal	136.0	42.0	178.0
Other	152.5	120.0	272.5
Tax	0	116	116
Training	23.0	17.0	40.0
Travel	3.0	0.0	3.0
Grand Total	496.5	536.0	1,032.5

Table 5-28. Percentage distribution of hours by task (enlisted only)

NLSO Southwest enlisted table	Enlisted -- legalman	LIMDU-Enlisted (including active duty or reserve)
Admin	**19%**	42%
Executive/ Executive Support	17%	3%
Facility	0%	0%
Human Resources	0%	0%
Instructor	1%	0%
Legal	27%	8%
Other	**31%**	**22%**
Tax	0%	22%
Training	5%	3%
Travel	1%	0%

Direct versus indirect hours worked

Table 5-29 through Table 5-34 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In tables 5-29 through 5-34, they are shaded in grey and generally refer to such work output as budget services and human resource services.

Officers spent 2,048 hours (about 85 percent of their total time) providing some type of legal service. Defense counsel spent about 70 percent of their time working on military-justice-related issues. The SJA provided a much larger variety of legal services, including claims assistance and environmental law support, and the legal assistance attorney spent about 73 percent of their time doing actual legal assistance work.

Civilians spent 601 hours (or 68 percent of their time) doing legal work, mostly in their related fields. The legal assistance attorneys, for example, spent 76 percent of their time doing legal assistance.

The enlisted personnel spent 631 hours (or 65 percent of their total time) on a wide range of legal services with a great portion of that number devoted to legal assistance and other legal services.

In sum, when looking at how the NLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that the officers are working very hard and spend time doing headquarters tasks and other tasks (non-legal-related services). These duties may be due to the nature of being an officer.

Civilian personnel provide all of the budget/fiscal/comptroller functions, and also provide a lot of non-legal-related service functions. Enlisted LIMDUs spend most of their time on taxes and legal assistance, whereas legalmen spend a greater percentage of their time on courts-martial and other non-legal-related services.

Table 5-29. Distribution of hours across product and service areas (officers only)

NLSO Southwest officer table	Admin-istrative	Defense Counsel	Execu-tive	Legal Assistance Attorney	Para-legal (LEP Intern)	Total hours
Administrative Law (Ethics)	0.0	29.5	0.0	0.0	0.0	29.5
General Litigation	0.0	15.0	0.0	0.0	0.0	15.0
Joint Matters	0.0	4.5	0.0	7.5	0.0	12.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	1.5	86.5	2.0	430.0	0.0	520.0
Legal Assistance-Taxes	0.0	0.0	0.5	0.5	0.0	1.0
Military Justice-Administrative Separations	0.0	193.5	0.0	36.5	0.0	230.0
Military Justice-Courts-martial	0.0	639.0	2.5	1.5	65.5	708.5
Military Justice-Investigations	0.0	8.5	0.0	0.0	0.0	8.5
Military Justice-Judiciary	0.0	1.5	0.0	0.0	0.0	1.5
Military Justice-NJP	0.0	37.5	0.0	0.0	0.0	37.5
Military Justice-Records	0.0	6.5	0.0	0.0	0.0	6.5
Naval Justice School (NJS)	0.0	108.5	3.5	1.0	0.0	113.0
Other (legal services)	0.0	35.0	38.0	99.5	0.0	172.5
Public Affairs	5.5	4.0	0.0	0.0	0.0	9.5
(No Area)	0.0	24.5	0.5	10.0	0.0	35.0
Budget/Fiscal/Comptroller/Acquisitions	0.0	0.0	1.0	0.0	0.0	1.0
Headquarters/Management/Program Analysis/Policy	2.0	5.0	45.0	5.5	0.0	57.5
Headquarters/Personnel/Pay/Travel	0.0	8.0	11.0	0.0	0.0	19.0
Other (non-legal-related services)	15.5	105.0	82.5	55.5	8.0	266.5
Other product area (e.g., security, facility management, administrative)	103.5	4.5	7.0	2.0	0.0	117.0
Training-NJS	0.0	12.5	1.5	0.0	0.0	14.0
Training-not NJS/Other	0.0	22.5	9.5	8.5	0.0	40.5
Grand Total	128.0	1,351.5	204.5	658.0	73.5	2,415.5

Table 5-30. Percentage distribution of hours across product and service areas (officers only)

NLSO Southwest officer table	Admin-istrative	Defense Counsel	Execu-tive	Legal Assistance Attorney	Para-legal (LEP Intern)
Administrative Law (Ethics)	0%	2%	0%	0%	0%
General Litigation	0%	1%	0%	0%	0%
Joint Matters	0%	0%	0%	1%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	1%	6%	1%	65%	0%
Legal Assistance-Taxes	0%	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	14%	0%	6%	0%
Military Justice-Courts-martial	0%	47%	1%	0%	89%
Military Justice-Investigations	0%	1%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	0%	0%
Military Justice-NJP	0%	3%	0%	0%	0%
Military Justice-Records	0%	0%	0%	0%	0%
Naval Justice School (NJS)	0%	8%	2%	0%	0%
Other (legal services)	0%	3%	19%	15%	0%
Public Affairs	4%	0%	0%	0%	0%
(No Area)	0%	2%	0%	2%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	2%	0%	22%	1%	0%
Headquarters/Personnel/Pay/Travel	0%	1%	5%	0%	0%
Other (non-legal-related services)	12%	8%	40%	8%	11%
Other product area (e.g., security, facility management, administrative)	81%	0%	3%	0%	0%
Training-NJS	0%	1%	1%	0%	0%
Training-not NJS/Other	0%	2%	5%	1%	0%

Table 5-31. Distribution of hours across product and service areas (civilians only)

NLSO Southwest civilian table	Admin-istrative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Para-legal	Re-source Mgmt	Grand Total
Claims	72.0	61.5	0.0	13.5	0.0	147.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0.0	0.0	64.0	192.0	0.0	256.0
Legal Assistance-Taxes	0.0	0.0	0.0	1.0	0.0	1.0
Military Justice-Administrative Separations	0.0	0.0	0.0	34.0	0.0	34.0
Military Justice-Courts-martial	0.0	0.0	0.0	22.5	0.0	22.5
Military Justice-NJP	0.0	0.0	0.0	12.5	0.0	12.5
Military Justice-Records	0.0	0.0	0.0	1.5	0.0	1.5
Other (legal services)	0.0	0.0	12.0	25.0	0.0	37.0
(No Area)	4.5	0.0	0.0	0.0	0.0	4.5
Budget/Fiscal/Comptroller/Acquisitions	0.0	0.0	0.0	0.0	59.0	59.0
Headquarters/Management/Program Analysis/Policy	0.0	0.0	0.0	8.0	0.0	8.0
Other (non-legal-related services)	173.5	0.0	9.0	1.5	0.0	184.0
Other product area (e.g., security, facility management, administrative)	65.5	0.0	0.0	9.0	0.0	74.5
Training-not NJS/Other	0.0	0.0	1.5	0.0	0.0	1.5
Grand Total	**315.5**	**61.5**	**86.5**	**320.5**	**59.0**	**843.0**

Table 5-32. Percentage distribution of hours across product and service areas for NLSO SW (civilians only)

NLSO Southwest civilian table	Adminis-trative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Para-legal	Re-source Mgmt
Claims	23%	100%	0%	4%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	74%	60%	0%
Legal Assistance-Taxes	0%	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	0%	0%	11%	0%
Military Justice-Courts-martial	0%	0%	0%	7%	0%
Military Justice-NJP	0%	0%	0%	4%	0%
Military Justice-Records	0%	0%	0%	0%	0%
Other (legal services)	0%	0%	14%	8%	0%
(No Area)	1%	0%	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	0%	100%
Headquarters/Management/Program Analysis/Policy	0%	0%	0%	2%	0%
Other (non-legal-related services)	55%	0%	10%	0%	0%
Other product area (e.g., security, facility management, administrative)	21%	0%	0%	3%	0%
Training-not NJS/Other	0%	0%	2%	0%	0%

Table 5-33. Distribution of hours across product and service areas for NLSO SW (enlisted only)

NLSO Southwest--Enlisted table	Enlisted (including active duty or reserve)	LIMDU-Enlisted (including active duty or reserve)	Grand Total
Administrative Law (Military Personnel Law)	0.0	9.5	9.5
Admiralty	0.0	8.5	8.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	37.5	78.5	116.0
Legal Assistance-Taxes	0.0	178.0	178.0
Military Justice-Administrative Separations	39.0	1.5	40.5
Military Justice-Courts-martial	90.0	59.0	149.0
Military Justice-Investigations	5.5	0.0	5.5
Military Justice-NJP	7.0	0.0	7.0
Other (legal services)	51.5	57.5	109.0
Training-NJS	0.0	1.0	1.0
(No Area)	7.5	0.0	7.5
Headquarters/Management/Program Analysis/Policy	15.0	3.0	18.0
IT Systems and Support	0.0	18.5	18.5
Other (non-legal-related services)	214.0	71.5	285.5
Other product area (e.g., security, facility management, administrative)	1.0	45.5	46.5
Training-not NJS/Other	28.5	4.0	32.5
Grand Total	**496.5**	**536.0**	**1,032.5**

Table 5-34. Percentage distribution of hours across product and service areas for NLSO SW (enlisted only)

NLSO Southwest--Enlisted table	Enlisted (including active duty or reserve)	LIMDU-Enlisted (including active duty or reserve)
Administrative Law (Military Personnel Law)	0%	2%
Admiralty	0%	2%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	8%	15%
Legal Assistance-Taxes	0%	33%
Military Justice-Administrative Separations	8%	0%
Military Justice-Courts-martial	18%	11%
Military Justice-Investigations	1%	0%
Military Justice-NJP	1%	0%
Other (legal services)	10%	11%
Training-NJS	0%	0%
(No Area)	2%	0%
Headquarters/Management/Program Analysis/Policy	3%	1%
IT Systems and Support	0%	3%
Other (non-legal-related services)	43%	13%
Other product area (e.g., security, facility management, administrative)	0%	8%
Training-not NJS/Other	6%	1%

NLSO Southwest manpower requirements – FY08 to FY10

As shown earlier in Table 5-21, the overall response rate to the survey was very high, with 22 of 29 officers (76 percent) completing the work diary. This rate is extremely high, considering that 6 officers were on IAs; in effect, the total possible was 23 officers, not 29. Civilian participation was almost perfect, with 13 of 14 (93 percent) responding. Enlisted participation was 55 percent (6 of 11), which is a useful sample. In addition, 22 LIMDUs completed a work diary, out of 30 listed as being assigned to NLSO Southwest. It is impossible for us to know the exact denominator for LIMDUs, however, because the billet file might not have listed all who were potentially available. The billet file lists those LIMDUs formally assigned to a NLSO office, but it does not account for LIMDUs who were part of a labor pool available at the nearest naval station, which sometimes can provide additional LIMDUs. Considering all personnel types,

we conclude that we obtained an excellent overall sample for NLSO Southwest.

Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 13 defense counsel who completed the diary spent 639 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 1,039.5 hours (1.66 x .98 x 639). Applying the appropriate rule for future workload to the other service areas gives us an overall total of 1,744.3 hours of expected work (versus the 1351.5 hours recorded in the diary). Assuming a 50-hour workweek implies that NLSO Southwest will require about 20 (versus the current 13) defense counsel—an increase of 7. The high requirement is due to the extremely long hours worked by defense counsel, with several personnel averaging over 60 hours per week.

Table 5-35 through Table 5-42 show the personnel requirements that we computed using this method. We caveat these results by reiterating the fact that, in both scenarios, these numbers represent the *minimum* required personnel. Manpower requirements for the enlisted and civilian components of NLSO Southwest are also shown in the following tables. The same caveats apply.

Table 5-35. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

NLSO Southwest officers	Adminis-trative	Defense Counsel	Executive	Legal Assis-tance Attorney	Paralegal (LEP Intern)	Total officer require-ment	Difference from current (35)
Total personnel required '08	2	30	3	10	2	47	12
Total personnel required '09	2	30	3	10	2	47	12
Total personnel required '10	2	30	3	10	2	47	12

Table 5-36. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

NLSO Southwest officers	Adminis-trative	Defense Counsel	Executive	Legal Assis-tance Attorney	Paralegal (LEP Intern)	Total officer require-ment	Difference from current (35)
Total personnel required '08	2	20	3	10	1	36	1
Total personnel required '09	2	20	3	10	1	36	1
Total personnel required '10	2	20	3	10	1	36	1

Table 5-37. Enlisted manpower requirements (pre-2003) – FY08 to FY10

NLSO Southwest enlisted	Enlisted - Admin Support	Enlisted - Legalmen	LIMDU	Total enlisted requirement (without LIMDU)	Difference from cur-rent (11)
Total personnel required '08	1	13	11	13	2
Total personnel required '09	1	13	11	13	2
Total personnel required '10	1	13	11	13	2

Table 5-38. Enlisted manpower requirements (post-2003) – FY08 to FY10

NLSO Southwest enlisted	Enlisted - Admin Support	Enlisted - Legalmen	LIMDU	Total enlisted requirement (without LIMDU)	Difference from cur-rent (11)
Total personnel required '08	1	12	10	12	1
Total personnel required '09	1	12	10	12	1
Total personnel required '10	1	12	10	12	1

Table 5-39. Civilian manpower requirements (pre-2003) – FY08 to FY10 (40-hour workweek)

NLSO Southwest civilians (35-hour workweek)	Adminis-trative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Total officer require-ment	Difference from current (14)
Total personnel required '08	5	1	1	6	1	14	0
Total personnel required '09	5	1	1	6	1	14	0
Total personnel required '10	5	1	1	6	1	14	0

Table 5-40. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

NLSO Southwest civilians (35-hour workweek)	Adminis-trative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Total officer require-ment	Difference from current (14)
Total personnel required '08	5	1	1	5	1	13	-1
Total personnel required '09	5	1	1	5	1	13	-1
Total personnel required '10	5	1	1	5	1	13	-1

Table 5-41. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

NLSO Southwest civilians (40-hour workweek)	Adminis-trative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Total officer require-ment	Difference from current (14)
Total personnel required '08	4	1	1	5	1	12	-2
Total personnel required '09	4	1	1	5	1	12	-2
Total personnel required '10	4	1	1	5	1	12	-2

Table 5-42. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

NLSO Southwest civilians (40-hour workweek)	Adminis-trative	Claims Attorney/ Techni-cian	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Total officer require-ment	Difference from current (14)
Total personnel required '08	4	1	1	4	1	11	-3
Total personnel required '09	4	1	1	4	1	11	-3
Total personnel required '10	4	1	1	4	1	11	-3

NLSO Southwest summary

The current manpower strength for officers at NLSO Southwest is 35, and 22 of them completed the diary. NLSO SW currently has 6 officers out on IAs, which must require those who remain to work longer hours. The average workweek for officers at NLSO SW—53.4 hours—is certainly an indication of some stress among the officers. Our calculations show that, if the current paradigm for mil-justice-related work continues, NLSO Southwest will require 36 officers, for a net increase of 1. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 47, for a net change of 12.

There are currently 11 enlisted personnel at NLSO Southwest. Using the same requirements logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement increases to 12, for a net

increase of 1. For the pre-2003 scenario, the enlisted requirement is 13, for a net increase of 2.

The current number of civilians on board at NLSO Southwest is 14. The civilian requirement for post-2003, and a 40-hour workweek, is 13 personnel versus the current 14—exactly 1 less than the number that is already on board. This increases to 14 civilian personnel under the pre-2003 scenario, for a net change of 0.

If one assumes a 45-hour workweek for the civilians, the requirements are slightly lower. Using an assumption that workload will remain at post-2003 levels, and a 45-hour workweek, the civilian requirement is 11—3 less than the number of civilians now at NLSO Southwest. The requirement for civilian personnel increases to 12 (2 less than the current number) under the higher, pre-2003, assumptions.

NLSO North Central

Count of survey respondents

Our analysis covers the main NLSO office in Washington, DC, as well as six branch offices and detachments (Groton, Great Lakes, Newport, Earle, Brunswick, and Annapolis).

Overall, the response rate for the workload survey was high—particularly considering that NLSO North Central had three JAG Corps personnel on IAs at the time of the survey, according to numbers from Code 63.

As one can see from the table 5-43 the respondents included 15 civilians, 2 LNs, and 25 officers. The response rates are extremely high: 93 percent for the officers, 67 percent for the enlisted, and 79 percent for civilian personnel.

Table 5-43 tells us that the civilians who answered were predominantly clerical-administrative (4), legal admin assistants (4), and paralegals (3). There was also an administrative officer-manager (1) and a resource manager (1). The officers who answered were mostly defense counsel (13) or legal assistance attorneys (6). In addition, there were 3 executive officers, 1 executive support officer, 1 legal instructor, and a Staff Judge Advocate. We were surprised to find an SJA at a NLSO and suspect that a respondent might have intended to place himself or herself in a RLSO—a data entry error. However, there might have been a defense counsel at NLSO North Central who mistakenly identified himself or herself as an SJA. Even without the SJA, this is a very good response rate for describing the work being performed at NLSO North Central.

Table 5-43. NLSO North Central respondents

Primary Functional Area-- NLSO North Central	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)
Administrative Officer-Manager	1		
Civilian Paralegal	3		
Clerical-Administrative	4		
Defense Counsel (incl. some legal asst tasks)			13
Enlisted-Legalman (or equivalent Marine)		2	
Executive (Director, CO, XO, Special Asst)			3
Executive Support (EA, JAG IG, CMC, SEA)			1
Law/Legal Instructors and School Admin			1
Legal Admin Assistant	4		
Legal Assistance Attorney	2		6
Resource Management/Contracts/Fiscal	1		
Staff Judge Advocate (SJA) & Command Services			1
Grand Total	15	2	25
Actual NLSO Total	19	3	27

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (e.g., low morale, health problems), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce and a backlog of work might be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a “typical” 5-day workweek. These results are in Table 5-44 .

Table 5-44. NLSO North Central average hours worked by employment status

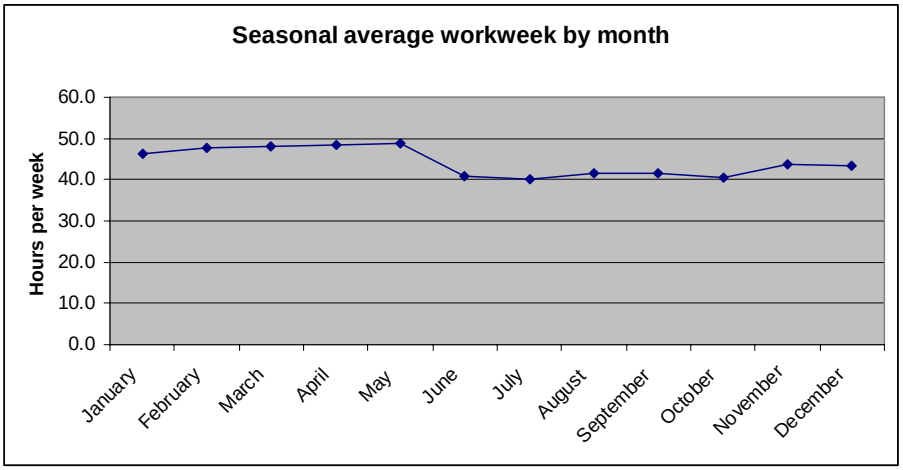
Current Employment Status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Workweek (Adjusted)
Civilian	873.5	15	29.1	8	36.4
Enlisted (including active duty or reserve)	79.0	2	19.8	7	28.2
Officer (including active duty or reserve)	2,714.5	25	54.3	10.7	54.3
Total Hours	3,667.0	42	43.7	9.5	45.7

As we can see, the 25 officers had the longest workweek, both before and after adjustments were made, averaging 54.3 hours per week. They were followed by the 2 enlisted (Legalmen), at 28.2 hours per week, and the 15 civilians, at 36.4 hours per week. These results are similar to many other NLSOs and RLSOs—the highest work hours by officers, followed by enlisted and civilians.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-5 shows that June was a month of relatively low workload—an average of 40.9 hours per week, versus 44.3 hours throughout the entire year. Therefore, we will multiply hours worked by 44.3/40.9, or 1.083, when we compute workload requirements. Using this correction factor keeps the relative proportions of the hours worked per month in balance and prevents us from basing personnel requirements on a month that has particularly low workload requirements.

Figure 5-5. Seasonal workweek by month: NLSO North Central

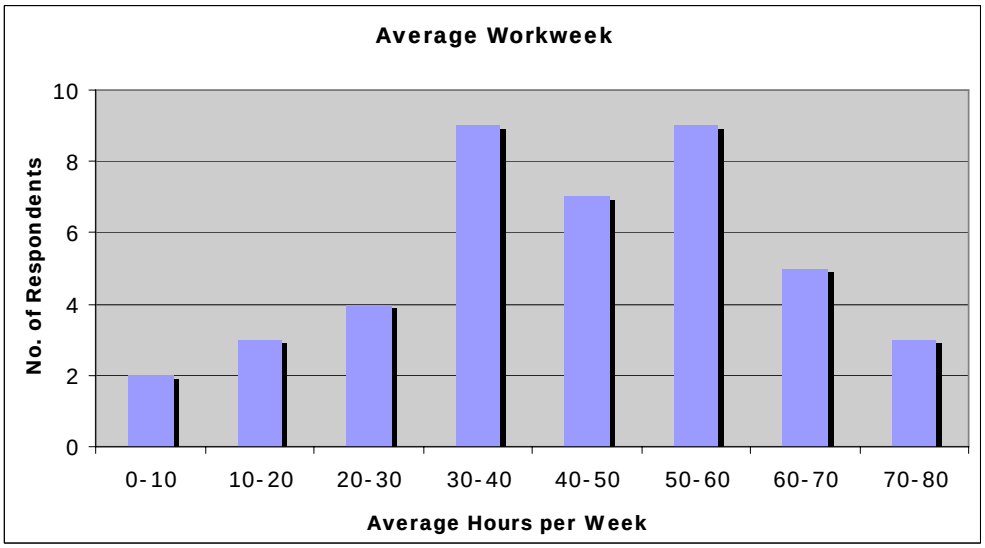


Employees who work over 50 hours per week

The unadjusted average workweek for NLSO North Central was 54.3 hours for officers, 19.8 hours for enlisted, and 29.1 hours for civilians. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 5-6 offers a more complete picture of hours worked per employee. It shows that three respondents worked an average of 70 to 80 hours during the 2-week survey, five worked an average of 60 to 70 hours per week, and nine worked an average of 50 to 60 hours per week. The most common workweeks fell in the ranges of 50 to 60 hours and 30 to 40 hours. From these data, we conclude that several members of the staff are stressed due to the current workload, and some officers are, indeed, working very long hours.

Figure 5-6. Total unadjusted hours worked during 2-week reporting period (n = 42): NLSO North Central



Indicators that the workforce is cross-tasked too much

Table 5-45 through Table 5-49 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside the specialty. Of most concern is when we see more technical personnel, such as lawyers and paralegals, spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from tables 5-45 and 5-46 that, of the total hours worked during the 2-week diary, 40.6 percent (1,101/2,714.5) are related to legal tasks. Other (654 hours, 24.1 percent), Training (238.5 hours, 24.1 percent), and Executive Support (228.5 hours, 8.4 percent) were three other areas that accounted for a significant amount of officer hours. Travel (218 hours, 8.0 percent) and Admin (196 hours, 7.2 percent) also took significant amounts of time. Not surprisingly, Executive Officers (CO, XO, etc.) spent more time on executive and executive support

tasks (34 percent) than on any other kinds of task. The executive officers spent 21 percent of their time on other tasks. Defense counsel spent 46 percent of their time on legal tasks and 21 percent on other tasks, while instructors spent 85 percent of their time on Other tasks. Legal assistance attorneys spent 48 percent of their time on legal tasks and 25 percent on Other tasks.

Table 5-47 and Table 5-48 show the civilian results. The civilians spent 24.4 percent of their time doing ancillary legal tasks (213/873.5). They spent the greatest percentage of their time doing administrative tasks (453.5 hours, 51.9 percentage), followed by the legal tasks. Legal assistance attorneys spend 47 percent of their time doing legal tasks and 16 percent of their time doing executive or executive support tasks. Paralegals spend 47 percent of their time doing administrative tasks. Resource management personnel spend 39 percent of their time doing administrative tasks and 28 percent of their time performing resource management tasks.

Table 5-49 shows results for the enlisted personnel. Members of this community spend 13 percent of their time (10.5/79.0) doing legal tasks. The largest share of time is spent on executive/executive support tasks (31.5 hours, 39.9 percent), followed by administrative tasks (13 hours, 16.5 percent).

In sum, all personnel spent some time doing work outside their specialties. Officers spent the largest share of their time on legal tasks, but other tasks were also a major factor in their workweek. They spend a significant amount of time on other tasks and executive/executive support tasks. Defense counsel, executive officers, and legal assistance attorneys spend considerable amounts of time in travel, which probably reflects the geography and demands of their jobs. The civilians spend considerably more time performing administrative tasks. Not surprisingly, legal assistance attorneys are the only civilians who spend over 5 percent of their time on travel. Enlisted personnel spend most of their time on administrative tasks and executive/executive support tasks.

Table 5-45. Distribution of hours by task (officers only): NLSO North Central

NLSO NC officers	Admin	Exec/ Exec Support	Instructor	Legal	Other	Res Mgmt	Tax	Training	Travel	Grand Total
Defense Counsel	91.0	58.5	14.0	648.5	294.0		8.0	148.0	148.5	1,410.5
Executive	41.0	150.5	6.0	64.0	94.0	6.5		40.0	38.5	440.5
Instructor			12.5	0.5	75.0					88.0
Legal Assistance Attorney	54.0	11.5	31.5	326.0	170.0			49.5	31.0	673.5
SJA	10.0	8.0		62.0	21.0			1.0		102.0
Total Hours	196.0	228.5	64.0	1,101.0	654.0	6.5	8.0	238.5	218.0	2,714.5

Table 5-46. Percentage distribution of hours by task (officers only): NLSO North Central

NLSO NC officers	Admin	Exec/ Exec Support	Instructor	Legal	Other	Resource Mgmt	Tax	Training	Travel
Defense Counsel	6%	4%	1%	46%	21%	0%	1%	10%	11%
Executive	9%	34%	1%	15%	21%	1%	0%	9%	9%
Instructor	0%	0%	14%	1%	85%	0%	0%	0%	0%
Legal Assistance Attorney	8%	2%	5%	48%	25%	0%	0%	7%	5%
SJA	10%	8%	0%	61%	21%	0%	0%	1%	0%

Table 5-47. Distribution of hours by task (civilians only): NLSO North Central

NLSO NC Civilian Table	Admin	Exec/ Exec Support	Facility	Human Res	Instructor	Legal	Other	Res Mgmt	Training	Travel	Grand Total
Administrative	265.5	2	4	1	10.5		35.5	3			321.5
Legal Assistance Attorney	18	28			0.5	84.5	23.5		13	10.5	178
Paralegal	149	0.5		12.5		128.5	9.5		9.5	10	319.5
Resource Mgmt	21		2.5		1.5		13	15	1.5		54.5
Total Hours	453.5	30.5	6.5	13.5	12.5	213	81.5	18	24	20.5	873.5

Table 5-48. Percentage distribution of hours by task (civilians only): NLSO North Central

NLSO NC Civilian Table	Ad-min	Exec/ Exec Sup-port	Facil-ity	Hu-man Res	Instruc-tor	Le-gal	Other	Re-source Mgmt	Train-ing	Travel
Administra-tive	83%	1%	1%	0%	3%	0%	11%	1%	0%	0%
Legal Assis-tance Attorney	10%	16%	0%	0%	0%	47%	13%	0%	7%	6%
Paralegal	47%	0%	0%	4%	0%	40%	3%	0%	3%	3%
Resource Mgmt	39%	0%	5%	0%	3%	0%	24%	28%	3%	0%

Table 5-49. Distribution and percentage of hours by task (enlisted only): NLSO North Central

NLSO NC enlisted	Admin	Exec/ Exec Support	Instructor	Legal	Other	Travel	Grand Total
Enlisted - Legalmen	13	31.5	1.5	10.5	21	1.5	79
Percentage	16%	40%	2%	13%	27%	2%	
Total Hours	13	31.5	1.5	10.5	21	1.5	79

Direct versus indirect hours worked

Table 5-50 through Table 5-55 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that support the JAG community. This could also be considered overhead. In tables 5-50 through 5-55, they are shaded in grey and generally refer to such work output as budget services, human resource services, and the like. These are essential functions, but they are not direct labor hours.

Officers spent 1,947.0 hours (or about 72 percent of their total time) providing some type of legal service. Appropriately, defense

counsel spent their greatest percentage of time (27 percent) on courts-martial, with 11 percent on administrative separations and 15 percent on Other legal services. The executive officers (CO, XO, etc.) spent the largest amount of their time on other non-legal-related services (27 percent) and Headquarters/Management/Program Analysis/Policy. The legal assistance attorneys spent 43 percent of their time on legal assistance, while the instructor spent more of his or her time on general litigation. Civilian personnel spent 598 hours (68.5 percent of their time) on legal-related services. The focus of their efforts varied substantially depending on their job titles. Paralegals spent 245 hours (76.7 percent) on legal assistance, and legal assistance attorneys spent 112.5 hours (63 percent) on legal assistance. It was not surprising that administrative staff spent most of their time on other (non-legal-related) services, and resource management personnel spent most of their time on budget/fiscal/comptroller/acquisition services. Enlisted personnel spent 16 hours (20.3 percent) of their time on legal services, and 62.5 hours (79.1 percent) on other non-legal-related services.

In sum, when looking at how the NLSO personnel spend their time, the largest product areas are military justice—courts-martial, other legal services, and administrative separations. Legal assistance is a very large product area, as well.

Table 5-50. Distribution of hours across product and service areas (officers only): NLSO North Central

NLSO NC Officer Table	Defense Counsel	Execu-tive	In-struc-tor	Legal Assis-tance Attorney	SJA	Total Hours
Administrative Law (Ethics)	1.0				17.5	18.5
Administrative Law (Military Personnel Law)	16.0	3.5			0.5	20.0
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)		3.5			0.5	4.0
Admiralty	1.5					1.5
General Litigation			69.5			69.5
International & Operational Law		4.0				4.0
JAGMAN Investigations		1.5				1.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	93.0	14.0		292.5	0.5	400.0
Legal Assistance-Taxes	8.0	0.5				8.5
Military Justice-Administrative Separations	154.5	1.0		3.0		158.5
Military Justice-Courts-martial	387.0	26.5		67.0		480.5
Military Justice-Investigations	22.5	14.0		2.0		38.5
Military Justice-Judiciary	6.0					6.0
Military Justice-National Security Cases		1.0				1.0
Military Justice-NJP	7.5	9.5		2.0	0.5	19.5
Military Justice-Records	3.0					3.0
Misc. (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	3.5	2.5				6.0
Other (legal services)	209.5	51.5		102.5	44.5	408.0
Training-NJS		18.5		1.5	0.5	20.5
Training-not NJS/Other	179.0	40.0	12.5	45.5	1.0	278.0
No Area Identified	10.5			47.5		58.0
Budget/Fiscal/Comptroller/Acquisitions		2.0			7.0	9.0
Headquarters/Management/Program Analysis/Policy	7.0	65.5			7.5	80.0
Headquarters/Personnel/Pay/Travel	26.0	48.5			12.0	86.5
IT Systems and Support		6.5				6.5
Other (non-legal-related services)	252.0	118.5	6.0	94.5	3.5	474.5
Other product area (e.g., security, facility management, administrative)	23.0	8.0		15.5	6.5	53.0
Grand Total	**1,410.5**	**440.5**	**88.0**	**673.5**	**102.0**	**2,714.5**

Table 5-51. Percentage distribution of hours across product and service areas (officers only): NLSO North Central

NLSO NC Officer Table	Defense Counsel	Executive	Instructor	Legal Assistance Attorney	SJA
Administrative Law (Ethics)	0%	0%	0%	0%	17%
Administrative Law (Military Personnel Law)	1%	1%	0%	0%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	1%	0%	0%	0%
Admiralty	0%	0%	0%	0%	0%
General Litigation	0%	0%	79%	0%	0%
International & Operational Law	0%	1%	0%	0%	0%
JAGMAN Investigations	0%	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	7%	3%	0%	43%	0%
Legal Assistance-Taxes	1%	0%	0%	0%	0%
Military Justice-Administrative Separations	11%	0%	0%	0%	0%
Military Justice-Courts-martial	27%	6%	0%	10%	0%
Military Justice-Investigations	2%	3%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	0%	0%
Military Justice-National Security Cases	0%	0%	0%	0%	0%
Military Justice-NJP	1%	2%	0%	0%	0%
Military Justice-Records	0%	0%	0%	0%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	1%	0%	0%	0%
Other (legal services)	15%	12%	0%	15%	44%
Training-NJS	0%	4%	0%	0%	0%
Training-not NJS/Other	13%	9%	14%	7%	1%
No Area Identified	1%	0%	0%	7%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	0%	7%
Headquarters/Management/Program Analysis/Policy	0%	15%	0%	0%	7%
Headquarters/Personnel/Pay/Travel	2%	11%	0%	0%	12%
IT Systems and Support	0%	1%	0%	0%	0%
Other (non-legal-related services)	18%	27%	7%	14%	3%
Other product area (e.g., security, facility management, administrative)	2%	2%	0%	2%	6%

Table 5-52. Distribution of hours across product and service areas (civilians only): NLSO North Central

NLSO NC Civilian Table	Admin-istrative	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Total Hours
Claims			1.5		1.5
Environmental Law (Operational)	14.5				14.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	48.5	112.5	245		406
Military Justice-Administrative Separations			3		3
Military Justice-Courts-martial			1.5		1.5
Other (legal services)	101	18	20		139
Training-not NJS/Other	0.5	15	17		32.5
Budget/Fiscal/Comptroller/Acquisitions				54.5	54.5
Headquarters/Personnel/Pay/Travel			1.5		1.5
IT Systems and Support	1				1
Other (non-legal-related services)	140	19.5	30		189.5
Other product area (e.g., security, facility management, administrative)	6				6
No Area Identified	10	13			23
Grand Total	**321.5**	**178**	**319.5**	**54.5**	**873.5**

Table 5-53. Percentage distribution of hours across product and service areas (civilians only): NLSO North Central

NLSO NC Civilian Table	Admin-istrative	Legal Assis-tance Attorney	Paralegal	Resource Mgmt
Claims	0%	0%	0%	0%
Environmental Law (Operational)	5%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	15%	63%	77%	0%
Military Justice-Administrative Separations	0%	0%	1%	0%
Military Justice-Courts-martial	0%	0%	0%	0%
Other (legal services)	31%	10%	6%	0%
Training-not NJS/Other	0%	8%	5%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	100%
Headquarters/Personnel/Pay/Travel	0%	0%	0%	0%
IT Systems and Support	0%	0%	0%	0%
Other (non-legal-related services)	44%	11%	9%	0%
Other product area (e.g., security, facility management, administrative)	2%	0%	0%	0%
No Area Identified	3%	7%	0%	0%

Table 5-54. Distribution of hours across product and service areas (enlisted only): NLSO North Central

NLSO NC Enlisted Table	Enlisted - Legalmen	Total Hours
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	12	12
Other (legal services)	2	2
Training-not NJS/Other	2	2
Other (non-legal-related services)	62.5	62.5
Other product area (e.g., security, facility management, administrative)	0.5	0.5
Grand Total	**79**	**79**

Table 5-55. Percentage distribution of hours across product and service areas (enlisted only): NLSO North Central

NLSO NC Enlisted Table	Enlisted - Legalmen
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	15%
Other (legal services)	3%
Training-not NJS/Other	3%
Other (non-legal-related services)	79%
Other product area (e.g., security, facility management, administrative)	1%

NLSO North Central manpower requirements—FY08 to FY10

As Table 5-43 showed, the overall response rate to the survey was very high for officers, with 25 out of 27 responding. The response rate was moderately high for civilians, with 15 of 19 responding, and for legalmen, with 2 of 3 responding. We had to correct for the response rates of enlisted personnel by multiplying reported hours by 3/2, or 1.5, in order to estimate the workload for all the civilians in NLSO North Central. For the same reason, we multiplied the reported hours of civilian personnel by 19/15, or 1.27, to estimate the workload of all civilian personnel. Officer hours were multiplied by 27/25, or 1.08. These calculations assume that those personnel who responded were similar to those who did not respond.

Our earlier tables show detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based

on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 13 defense counsel in NLSO North Center who completed the diary spent 387.0 hours doing court-martial work (General Courts-Martial (GCMs)). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As such, the total expected workload for 2008 is 629.6 hours (1.66 x .98 x 387.0). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 1,839.5 hours of expected work (versus the 1,410.5 hours recorded in the diary). Assuming a 50-hour workweek implies that NLSO North Central will require about 20 (versus the current 13) officer defense counsel; see Table 5-56. Applying the same logic in the post-2003 scenario yields 0, which has lower requirements. The requirement for defense counsel, for example, is 15 (2 more than the current 13).

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future despite the fact that most defense counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, they will need *at least* 35 total JAG officers—an addition of 8 staff from the current 27.

Manpower requirements for the enlisted and civilian components of NLSO North Central are shown in Table 5-58 through Table 5-63. The same caveats apply for both enlisted and civilian groups as they do for the officers. Note that, whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used both a 40-hour and a 45-hour workweek in defining the number of civilians. These two standards for civilians are higher than the fed-

erally mandated level of 35 hours per civilian, which has been used in previous manpower studies.

Table 5-56. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

NLSO North Central Officers	Defense Counsel	Executive	Instructor	Legal Assistance Attorney	SJA*	Total officer requirement	Difference between requirement and current (27)
Total personnel required '08	20	5	1	8	1	35	8
Total personnel required '09	20	5	1	8	1	35	8
Total personnel required '10	20	5	1	8	1	35	8

*SJAs should not be working for NLSOs. However, one respondent misidentified himself or herself as an SJA at NLSO North Central. If we take this person out, requirements drop by one officer.

Table 5-57. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

NLSO North Central Officers	Defense Counsel	Executive	Instructor	Legal Assistance Attorney	SJA	Total officer requirement	Difference between requirement and current (27)
Total personnel required '08	15	5	1	7	1	29	2
Total personnel required '09	15	5	1	7	1	29	2
Total personnel required '10	15	5	1	7	1	29	2

Table 5-58. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

NLSO North Central Enlisted	Enlisted - Legalmen	Total requirement	Difference between requirement and current (3)
Total personnel required '08	1	1	-2
Total personnel required '09	1	1	-2
Total personnel required '10	1	1	-2

Table 5-59. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

NLSO North Central Enlisted	Enlisted - Legalmen	Total requirement	Instructor
Total personnel required '08	1	1	-2
Total personnel required '09	1	1	-2
Total personnel required '10	1	1	-2

Table 5-60. Civilian manpower requirements (pre-2003--higher) – FY08 to FY10 (40-hour workweek)

NLSO North Central civilians (35-hr)	Administra-tive	Legal Assistance Attorney	Paralegal	Re-source Mgmt	Total require-ments	Difference from current (19)
Total personnel required '08	6	3	6	1	16	-3
Total personnel required '09	6	3	6	1	16	-3
Total personnel required '10	6	3	6	1	16	-3

Table 5-61. Civilian manpower requirements (post-2003, lower) – FY08 to FY10 (40-hour workweek)

NLSO North Central civilians (35-hr)	Administra-tive	Legal Assistance Attorney	Paralegal	Re-source Mgmt	Total require-ments	Difference from current (19)
Total personnel required '08	6	3	6	1	16	-3
Total personnel required '09	6	3	6	1	16	-3
Total personnel required '10	6	3	6	1	16	-3

Table 5-62. Civilian manpower requirements (pre-2003-higher) – FY 08 to FY10 (45-hour workweek)

NLSO North Central civilians (40-hr)	Admin-istrative	Legal Assistance Attorney	Para-legal	Resource Mgmt	Total requirements	Difference from current (19)
Total personnel required '08	5	3	5	1	14	-5
Total personnel required '09	5	3	5	1	14	-5
Total personnel required '10	5	3	5	1	14	-5

Table 5-63. Civilian manpower requirements (post-2003, lower) – FY 08 to FY10 (405-hour workweek)

NLSO North Central civilians (40-hr)	Admin-istrative	Legal Assistance Attorney	Para-legal	Resource Mgmt	Total requirements	Difference from current (19)
Total personnel required '08	5	3	5	1	14	-5
Total personnel required '09	5	3	5	1	14	-5
Total personnel required '10	5	3	5	1	14	-5

We should note that, for the purpose of setting requirements, we have adjusted the hours personnel worked by using the seasonality data that respondents provided. Recall that the average hours worked in June was estimated to be 40.9 hours per week, which was considerably less than the 44.3 hours average throughout the entire year. Therefore, we have multiplied hours worked by 44.3/40.9, or 1.083, when we computed workload requirements. We used this correction factor to approximate an average work month in the setting of requirements.

NLSO North Central summary

The current number of officers assigned to NLSO North Central is 27. At the time of the study (June 2007), 3 JAG officers were on IAs. Our calculations show that, on one hand, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, NLSO North Central will require 29 officers in FY 2008, for a net change of +2. On the other hand, if the paradigm shifts back to the pre-2003 paradigm, the officer requirement increases to about 35 for a net change of +8.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm (post-2003 workload, which is lower) continues, the enlisted requirement drops to about 1, from the current level of 3. This is a decrease of 2 enlisted personnel. For the pre-2003 scenario, which has higher workload, the enlisted requirement is 1, which is 2 less than currently assigned.

Using an assumption of a 40-hour workweek, the civilian requirement for lower, post-2003 workload is 16 personnel versus the current 19—a decrease of 3. This estimate stays the same under the pre-2003 scenario—a requirement of 16 civilian personnel.

If the civilian requirement were a 45-hour workweek, the results would change as follows. The civilian requirement for lower, post-2003 workload is 14 personnel—a decrease of 5 civilian personnel from the current 19. The civilian requirement for the higher, pre-2003 workload is also 14 personnel using a 45-hour workweek.

We note that this chapter on NLSO North Central was reviewed by the chain of command. Their feedback was that they concur with the findings on NLSO North Central and offer no additional comment.

NLSO Central

Count of survey respondents

The analysis for NLSO Central covers the main NLSO office in Pensacola, as well as offices or detachments at Memphis, Corpus Christi, New Orleans, Gulfport, and Fort Worth.

Overall, the response rate for the workload survey was very high. As Table 5-64 shows, the respondents included 11 civilians, 4 legalmen, 2 enlisted instructors, 17 officers, and 2 LIMDU enlisted, for a total of 36 respondents. These are very high response rates: 100 percent for both the civilians and the enlisted, and 89 percent for the officers. We did not venture to estimate the response rate for LIMDUs because of difficulty obtaining a useful estimate of the number available to answer the work diary. The table also tells us that the civilians were predominantly legal admin assistants (5) or paralegals (4). The enlisted respondents were mostly legalmen (4) or legal instructors (2). The officers who answered were mostly defense counsel (10), followed by legal assistance attorneys (4) and executive officers (2). All told, this is an excellent response rate for describing the work being performed at NLSO Central.

The table shows that, like other NLSO offices, all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals. This dataset for NLSO Central also includes 2 limited duty personnel. Our dataset from the Navy lists 3 LIMDU personnel at NLSO Central in June 2007, but this might not have been the case. For example, LIMDUs' availability is sporadic, due to the need for doctor's appointments, physical therapy, and rest; furthermore, LIMDUs are sometimes available from a temporary labor pool without being formally assigned to the NLSO.

Table 5-64. NLSO Central respondents

Primary Functional Area	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Enlisted - LIMDU
Administrative Officer-Manager			1	
Clerical-Administrative	4			
Defense Counsel (incl. some legal asst tasks)			10	
Enlisted-Legalman (or equivalent Marine)		4		
Enlisted-Legalman Law/Legal Instructor		2		
Enlisted--Seamanship, Navigation (e.g., SN, BM, QM)				1
Enlisted--Service and Supply (e.g., SK, CS, SH, MA)				1
Executive (Director, CO, XO, Special Assistant)			2	
Legal Admin Assistant	5			
Legal Assistance Attorney	1		4	
Resource Management/Contracts/Fiscal	1			
Grand Total	11	6	17	2
Actual NLSO Total	11	6	19	3

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

Table 5-65 gives an overview of the average workweeks for various employee types. The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at

least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek (see Table 5-65).

Table 5-65. NLSO Central average hours worked by employment status

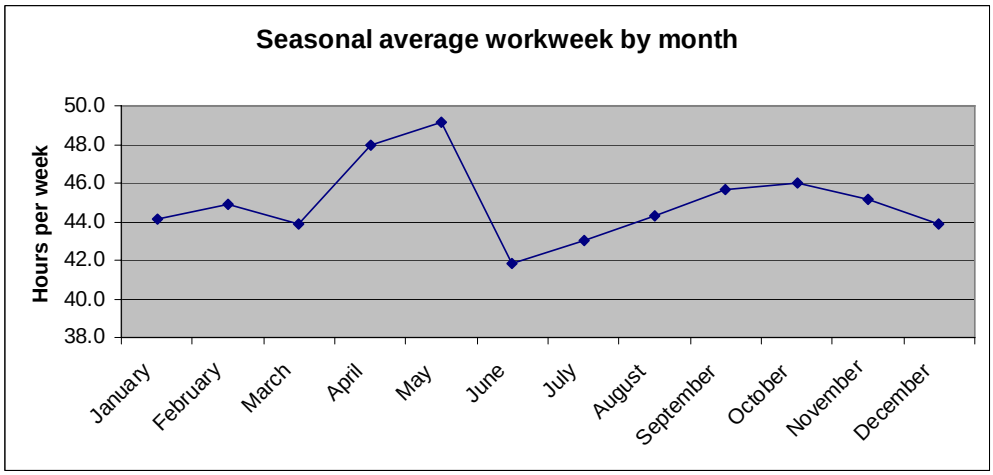
Current Employment Status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Workweek (Adjusted)
Civilian	751.5	11	34.2	8.2	41.8
Enlisted - LIMDU	138.5	2	34.6	10.0	34.6
Enlisted (including active duty or reserve)	481	6	40.1	9.5	42.2
Officer (including active duty or reserve)	1,803.5	17	53.0	10.6	53.0
Total Hours	3,174.5	36	44.1	9.6	45.7

As we can see, the 17 officers had the longest average workweek, 53.0 hours, both before and after adjustments were made. The 6 enlisted personnel had the second longest average workweek, 42.2 hours after adjustments. The civilians' workweeks were the third longest, adjusted to 41.8 hours. The 2 LIMDUs reported 34.6 hours per week—a high average, given that LIMDU personnel sometimes work fewer hours because of a need for medical appointments, rest, or physical therapy. In summary, the results are similar to those of other NLSOs, with the highest average workweeks for the officers, followed by enlisted and civilians. The personnel with the shortest workweeks are usually the LIMDUs.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-7 shows that June is a month with relatively light workload. It appears that the highest workloads are in April and May, perhaps due to tax season. June has the lowest average workweek, at 41.8 hours, and the overall average for the year is 45.0 hours. Therefore, we will adjust hours proportionally when computing requirements, multiplying by 45.0/41.8, or 1.08.

Figure 5-7. Seasonal workweek by month NLSO Central

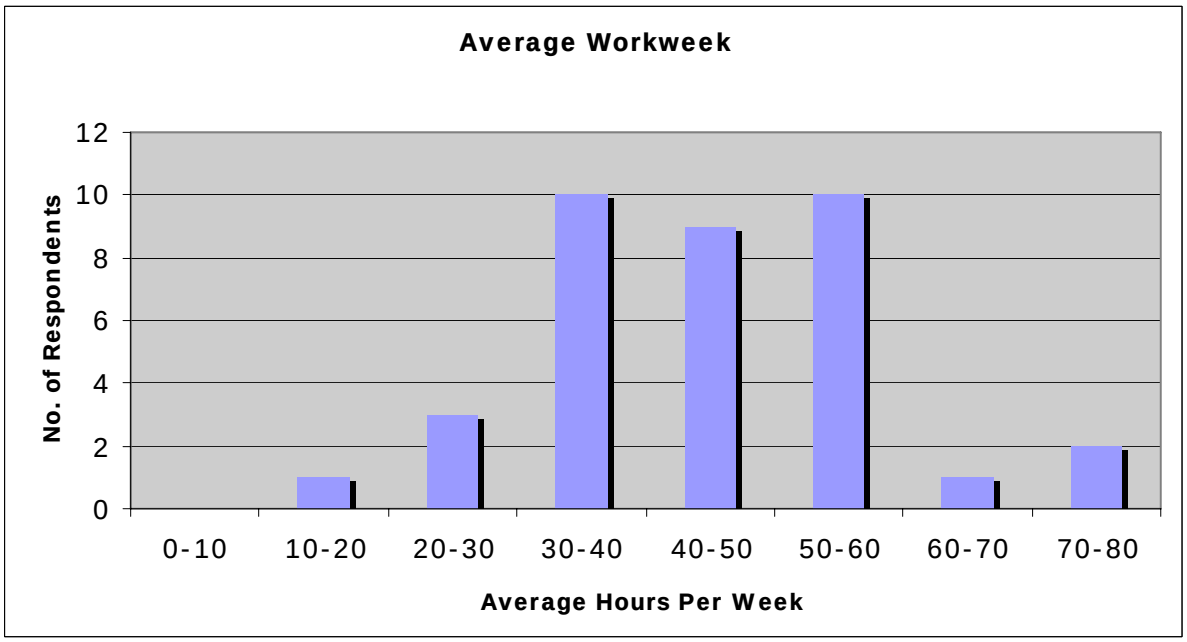


Employees who work over 50 hours per week

The unadjusted average workweek for NLSO Central was 44.1 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 5-8 offers a more complete picture of hours worked per employee. It shows that 2 out of 36 respondents worked an average of 70 to 80 hours during the 2-week survey, 1 worked an average of 60 to 70 hours per week, and 10 worked an average of 50 to 60 hours per week. The most common workweek fell in the range of 50 to 60 hours per week. From these data, we conclude that the staff is somewhat stressed due to the current workload, and some officers are, indeed, working very long hours. Three workers with short workweeks, 20 to 30 hours, were civilian personnel; possibly, some of these workers were part-time.

Figure 5-8. Total unadjusted hours worked during 2-week reporting period (n = 36): NLSO Central



Indicators that the workforce is cross-tasked too much

The next set of tables (Table 5-66 through Table 5-71) will offer insights into whether personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-66 and Table 5-67 that, of the total hours worked during the 2-week diary, 53 percent (951.0/1,803.5) are related to legal tasks. Other (311.5 hours, 17 percent) and admin (228.0 hours, 13 percent) were the two areas that accounted for the next largest percentages of officers' time. Thus, the officers spend most of their time doing legal work and a small amount of their time doing administrative or some ancillary

work. Defense counsel spent the largest percentage of their time doing legal tasks (748.0 hours, 69 percent), and legal assistance attorneys spent more of their time on legal tasks (191.5 hours, 45 percent) than any other single task category. Legal assistance attorneys' second largest percentage of work was from admin tasks (23 percent)—a statistic that makes us question whether they might need more admin assistance. Of course, it might be that legal assistance attorneys must perform more administrative functions due to the nature of their work. Commanding/executive officers spent most of their time on executive/executive support tasks (104.0 hours, 51 percent) followed by other tasks (56.5 hours, 28 percent). The administrative (LDO) officers spent a considerable amount of time instructing (38.5 hours, 48 percent) and in travel (14.0 hours, 17 percent). Other than the high percentage of time spent by legal assistance attorneys on administrative tasks, it appears that officers are generally working on the correct types of tasks.

The civilian community spends a larger percentage of time than the officers doing admin tasks (327.5 hours, 44 percent), but the next highest percentage of their time is spent on legal tasks (299.0, 40 percent). Paralegals spend 54 percent of their time on legal tasks and 37 percent on admin tasks, whereas admin personnel said they spent 31 percent of their time on legal tasks. Legal assistance attorneys spend 50 percent of their time on legal tasks and 31 percent on admin tasks. The resource management personnel might also require more assistance with admin tasks since they reported spending 42 percent of their time on administrative work.

Legalmen spend the largest amount of their time performing legal tasks (199.5 hours, 56 percent of total time), followed by other tasks (21 percent). The instructors spend 43 percent of their time on other tasks, followed by 36 percent performing admin work. The LIMDU personnel spend almost all of their time—83 percent—performing administrative tasks.

In sum, the officers spend most of their time on legal tasks and other tasks. Among officers, defense counsel spend the greatest percentage of time on legal tasks. Civilians and enlisted personnel perform a mix of legal and administrative work. The LIMDUs, however, are focused almost exclusively on administrative work.

Table 5-66. Distribution of hours by task (officers only): NLSO Central

NLSO Central Officer Table	Admin	Exec / Exec Support	Instructor	Legal	Other	Resource Mgmt	Tax	Training	Travel	Grand Total
Administrative	19.0	1.0	38.5		11.0				14.0	83.5
Defense Counsel	99.0	12.5	10.0	748.0	151.0		2.0	5.0	60.0	1,087.5
Executive	11.0	104.0	10.0	11.5	56.5	0.5			9.0	202.5
Legal Assistance Attorney	99.0	13.5		191.5	93.0			23.0	10.0	430.0
Total Hours	228.0	131.0	58.5	951.0	311.5	0.5	2.0	28.0	93.0	1,803.5

Table 5-67. Percentage distribution of hours by task (officers only): NLSO Central

NLSO Central Officer Table	Admin	Exec / Exec Support	Instructor	Legal	Other	Resource Mgmt	Tax	Training	Travel
Administrative	23%	1%	**46%**	0%	13%	0%	0%	0%	17%
Defense Counsel	9%	1%	1%	69%	14%	0%	0%	0%	6%
Executive	5%	51%	5%	6%	**28%**	0%	0%	0%	4%
Legal Assistance Attorney	**23%**	3%	0%	45%	**22%**	0%	0%	5%	2%
Total	13%	7%	3%	53%	**17%**	0%	0%	2%	5%

Table 5-68. Distribution of hours by task (civilian only): NLSO Central

NLSO Central Civilian Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hu man Res	In-struc-tor	Legal	Other	Re-source Mgmt	Tax	Train-ing	Travel	Grand Total
Administrative	159.5	4.5	11.5			90.5	21.5	4.0		2.0		293.5
Legal Assistance Attorney	29.0				1.5	47.0	8.0		0.5	3.5	4.0	93.5
Paralegal	112.0	0.5	0.5	2.0		161.5	16.0			6.5	1.5	300.5
Resource Mgmt	27.0			1.0			11.0	25.0				64.0
Total Hours	327.5	5.0	12.0	3.0	1.5	299.0	56.5	29.0	0.5	12.0	5.5	751.5

Table 5-69. Percentage distribution of hours by task (civilians only): NLSO Central

NLSO Central Civilian Table	Admin	Exec/ Exec Spt	Facil-ity	Human Re-sources	Instruc-tor	Legal	Other	Re-source Mgmt	Tax	Train-ing	Travel
Administrative	54%	2%	4%	0%	0%	31%	7%	1%	0%	1%	0%
Legal Assistance Attorney	31%	0%	0%	0%	2%	50%	9%	0%	1%	4%	4%
Paralegal	37%	0%	0%	1%	0%	54%	5%	0%	0%	2%	0%
Resource Mgmt	42%	0%	0%	2%	0%	0%	17%	39%	0%	0%	0%

Table 5-70. Distribution of hours by task (enlisted only): NLSO Central

NLSO Central Enlisted Table	Admin	Exec / Exec Spt	Human Re-sources	Instructor	IT	Legal	Other	Tax	Training	Travel	Grand Total
Enlisted - LIMDU	114.5					6.0	18.0				138.5
Enlisted - Instructor	61.5	2.0		6.5		25.0	73.5		1.0	1.0	170.5
Enlisted - Legalmen	40.0	8.0	0.5	5.5	2.5	174.5	65.0	8.5	3.0	3.0	310.5
Total Hours	101.5	10.0	0.5	12.0	2.5	199.5	138.5	8.5	4.0	4.0	481.0

Table 5-71. Percentage distribution of hours by task (enlisted only): NLSO Central

NLSO Central Enlisted Table	Admin	Exec / Exec Spt	Human Re-sources	Instructor	IT	Legal	Other	Tax	Training	Travel
Enlisted - LIMDU	83%	0%	0%	0%	0%	4%	13%	0%	0%	0%
Enlisted - Instructor	36%	1%	0%	4%	0%	15%	43%	0%	1%	1%
Enlisted - Legalmen	13%	3%	0%	2%	1%	56%	21%	3%	1%	1%

Direct versus indirect hours worked

Table 5-72 through Table 5-77 show which work product areas were responsible for the total level of effort during the 2-week survey period. There are two main groups of work product areas. *Direct labor* work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. *Indirect labor* refers to outputs that support the JAG community. This could also be considered overhead. In the tables

that follow, they are shaded in grey and generally refer to such work output as budget services and human resource services. These are essential functions, but they are not direct labor hours.

Officers spent 1,285.0 hours (or about 71 percent of their total time) providing some type of legal service. Defense counsel, appropriately, spent the largest single share of their time (449.0 hours, 41 per cent) working on a single type of legal service—military justice, courts-martial. The majority of executive officers' (CO, XO, etc.) time was spent on three major areas: other legal services (46 percent), other non-legal services (31 percent), and military justice, courts-martial (17 percent). Administrative personnel put their time under other non-legal-related services (96 percent).

Civilian personnel spent 478.5 hours (64 percent of their time) on some type of legal services. Legal assistance constituted the largest single product area for civilians, accounting for 48 percent of their time. Not surprisingly, legal assistance attorneys spent 90 percent of their time on legal assistance. Other larger percentages of civilian time were spent on other product area (20 percent), claims (6 percent), and budget and fiscal matters (5 percent).

Enlisted personnel spent 444.5 hours (72 percent of their time) on some type of legal services. The largest share was spent on legal assistance (46 percent), followed by other non-legal services (21 percent) and administrative separations (10 percent). The LIMDUs spent almost all of their time (87 percent) on legal assistance.

In sum, when looking at how the NLSO Central personnel spend their time, the largest product areas are military justice and legal assistance. Officers spend the greatest amount of their time on courts-martial, with other large shares of time going to other non-legal-related services, other legal-related services, and administrative separations. Civilians spend the largest share of their time on legal assistance, whereas enlisted personnel spend the plurality of their time on administrative separations.

Table 5-72. Distribution of hours across product and service areas (officers only): NLSO Central

NLSO Central Officer Table	Adminis-trative	Defense Counsel	Execu-tive	Legal Assis-tance Attor-ney	Grand Total
Administrative Law (Military Personnel Law)		2.0			2.0
General Litigation		0.5			0.5
Legal Assistance (e.g., immigration, wills, POAs, notary, taxes)		78.5	2.0	97.5	178.0
Military Justice-Administrative Separations		196.0	4.5	37.5	238.0
Military Justice-Courts-martial		449.0	34.0	57.5	540.5
Military Justice-Investigations		8.5			8.5
Military Justice-Judiciary		5.0			5.0
Military Justice-NJP		40.0			40.0
Military Justice-Records		6.5			6.5
Other (legal services)	3.0	112.5	94.0	55.0	264.5
Public Affairs		1.5			1.5
Headquarters/Management/Program Analysis/ Policy		19.5	3.5	50.0	73.0
Headquarters/Personnel/Pay/Travel		5.0		0.5	5.5
No area specified		3.0		2.0	5.0
Other (non-legal-related services)	80.5	123.5	63.0	92.5	359.5
Other product area (e.g., security, facility management, admin)		17.0	1.5	5.5	24.0
Training-not NJS/Other		19.5		32.0	51.5
Grand Total	83.5	1,087.5	202.5	430.0	1,803.5

Table 5-73. Percentage distribution of hours across product and service areas (officers only): NLSO Central

NLSO Central Officer Table	Ad-minis-trative	De-fense Coun-sel	Execu-tive	Legal Assis-tance Attor-ney	Grand Total
Administrative Law (Military Personnel Law)	0%	0%	0%	0%	0%
General Litigation	0%	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, taxes)	0%	7%	1%	23%	10%
Military Justice-Administrative Separations	0%	18%	2%	9%	13%
Military Justice-Courts-martial	0%	41%	17%	13%	30%
Military Justice-Investigations	0%	1%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	0%	0%
Military Justice-NJP	0%	4%	0%	0%	2%
Military Justice-Records	0%	1%	0%	0%	0%
Other (legal services)	4%	10%	46%	13%	15%
Public Affairs	0%	0%	0%	0%	0%
Headquarters/Management/Program Analysis/ Policy	0%	2%	2%	12%	4%
Headquarters/Personnel/Pay/Travel	0%	0%	0%	0%	0%
No area specified	0%	0%	0%	0%	0%
Other (non-legal-related services)	96%	11%	31%	22%	20%
Other product area (e.g., security, facility management, admin)	0%	2%	1%	1%	1%
Training-not NJS/Other	0%	2%	0%	7%	3%

Table 5-74. Distribution of hours across product and service areas (civilians only): NLSO Central

NLSO Central Civilian Table	Adminis-trative	Legal Assistance Attorney	Para-legal	Resource Mgmt	Grand Total
Claims	44.0				44.0
Legal Assistance (e.g., immigration, wills, POAs, taxes)	39.0	84.5	234.0		357.5
Legal Assistance-Taxes		0.5			0.5
Military Justice-Administrative Separations	0.5		5.5		6.0
Military Justice-Courts-martial	7.0				7.0
Military Justice-NJP	14.0				14.0
Other (legal services)	19.5		24.5	4.5	48.5
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)			0.5		0.5
Training-NJS			0.5		0.5
Budget/Fiscal/Comptroller/Acquisitions	1.0			37.5	38.5
Headquarters/Management/Program Analysis/Policy		2.5	1.5	1.0	5.0
Headquarters/Personnel/Pay/Travel			2.0	3.0	5.0
IT Systems and Support	4.5				4.5
Other (non-legal-related services)	40.5	2.5	15.5		58.5
Other product area (e.g., security, facility management, administrative)	122.5	0.5	13.0	18.0	154.0
Training-not NJS/Other	1.0	3.0	3.5		7.5
Grand Total	293.5	93.5	300.5	64.0	751.5

Table 5-75. Percentage distribution of hours across product and service areas (civilians only): NLSO Central

NLSO Central Civilian Table	Administrative	Legal Assis-tance Attorney	Paralegal	Resource Mgmt	Grand Total
Claims	15%	0%	0%	0%	6%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	13%	90%	78%	0%	48%
Legal Assistance-Taxes	0%	1%	0%	0%	0%
Military Justice-Administrative Separations	0%	0%	2%	0%	1%
Military Justice-Courts-martial	2%	0%	0%	0%	1%
Military Justice-NJP	5%	0%	0%	0%	2%
Other (legal services)	7%	0%	8%	7%	6%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%	0%	0%
Training-NJS	0%	0%	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%	59%	5%
Headquarters/Management/Program Analysis/Policy	0%	3%	0%	2%	1%
Headquarters/Personnel/Pay/Travel	0%	0%	1%	5%	1%
IT Systems and Support	2%	0%	0%	0%	1%
Other (non-legal-related services)	14%	3%	5%	0%	8%
Other product area (e.g., security, facility management, administrative)	42%	1%	4%	28%	20%
Training-not NJS/Other	0%	3%	1%	0%	1%
Grand Total	100%	100%	100%	100%	100%

Table 5-76. Distribution of hours across product and service areas (enlisted only): NLSO Central

NLSO Central Enlisted Table	LIMDU	Enlisted - Instructor	Enlisted - Legalmen	Grand Total
Administrative Law (Military Personnel Law)		1.5	1.5	3.0
Joint Matters			1.5	1.5
Legal Assistance (e.g., immigration, wills, POAs, taxes)	120.0	62.0	106.0	288.0
Legal Assistance-Taxes		1.0	21.5	22.5
Military Justice-Administrative Separations		3.0	57.5	60.5
Military Justice-Courts-martial			3.0	3.0
Military Justice-Investigations		1.5		1.5
Military Justice-NJP		1.5	4.5	6.0
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)			1.0	1.0
Other (legal services)	1.0	5.0	50.5	56.5
Public Affairs	1.0			1.0
Headquarters/Personnel/Pay/Travel		1.5		1.5
No area specified		9.0	0.5	9.5
Other (non-legal-related services)	16.0	59.5	54.0	129.5
Other product area (e.g., security, facility management, administrative)	0.5	21.5	1.0	23.0
Training-not NJS/Other		3.5	8.0	11.5
Grand Total	138.5	170.5	310.5	619.5

Table 5-77. Percentage distribution of hours across product and service areas (enlisted only): NLSO Central

NLSO Central Enlisted Table	LIMDU	Enlisted - Instructor	Enlisted - Legalmen	Grand Total
Administrative Law (Military Personnel Law)	0%	1%	0%	0%
Joint Matters	0%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, taxes)	87%	36%	34%	46%
Legal Assistance-Taxes	0%	1%	7%	4%
Military Justice-Administrative Separations	0%	2%	19%	10%
Military Justice-Courts-martial	0%	0%	1%	0%
Military Justice-Investigations	0%	1%	0%	0%
Military Justice-NJP	0%	1%	1%	1%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%	0%
Other (legal services)	1%	3%	16%	9%
Public Affairs	1%	0%	0%	0%
Headquarters/Personnel/Pay/Travel	0%	1%	0%	0%
No area specified	0%	5%	0%	2%
Other (non-legal-related services)	12%	35%	17%	21%
Other product area (e.g., security, facility management, administrative)	0%	13%	0%	4%
Training-not NJS/Other	0%	2%	3%	2%
Grand Total	100%	100%	100%	100%

NLSO Central manpower requirements—FY08 to FY10

The NLSO Central overall response rate was very high. All 11 civilians and all 6 enlisted personnel completed the work diary, as did 17 of 19 officers and 2 of the 3 officially listed LIMDUs.

In an earlier table, we showed detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-

related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

We note that the 10 defense counsel who completed the diary spent 449.0 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of general courts-martial, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 730.4 hours (1.66 x .98 x 449). Applying the appropriate rule for future workload to the other service areas gives us a total of 1,746.4 hours of expected work (versus the 1,087.5 total hours recorded in the diary). Assuming a 50-hour workweek implies that NLSO Central will require about 19 (versus the current 10) defense counsel—an increase of 9. (We divided 1,746.4 by 90.) Applying the same logic in the low case (post-2003 scenario) yields the officer manpower requirements shown in Table 5-79. Using those low-case assumptions, the requirement is 13—3 more than the current number of defense counsel.

Table 5-78 through Table 5-85 show the manpower requirements that we computed. We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. In fact, much of the work done by officers was assumed to be constant in the near future despite the fact that most officers have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, NLSO Central will need *at least* 29 officers and possibly more. So the requirement of 29 is a floor. If we assume that the Navy will remain at post-2003 workloads, NLSO Central will need at least 21 officers (compared with the current 19 officers).

Manpower requirements for the enlisted and civilian components are shown in the following tables. The same caveats apply to civilian and enlisted personnel; these numbers represent minimums.

Table 5-78. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

NLSO Central officers	Administrative (LDO)	Defense Counsel	Executive	Legal Assist. Attorney	Total officer requirements	Difference from current (19)
Total personnel required '08	1	19	3	6	29	10
Total personnel required '09	1	19	3	6	29	10
Total personnel required '10	1	19	3	6	29	10

Table 5-79. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

NLSO Central officers	Administrative (LDO)	Defense Counsel	Executive	Legal Assist. Attorney	Total officer requirements	Difference from current (19)
Total personnel required '08	1	13	2	5	21	2
Total personnel required '09	1	13	2	5	21	2
Total personnel required '10	1	13	2	5	21	2

Table 5-80. Enlisted manpower requirements (pre-2003) – FY08 to FY10

NLSO Central enlisted	LIMDU	Enlisted - Instructor	Enlisted - Legalmen	Total enlisted requirements	Difference from current (6))
Total personnel required '08	1	2	4	7	1
Total personnel required '09	1	2	4	7	1
Total personnel required '10	1	2	4	7	1

Table 5-81. t Enlisted manpower requirements (post-2003) – FY08 to FY10

NLSO Central enlisted	LIMDU	Enlisted - Instructor	Enlisted - Legalmen	Total enlisted requirements	Difference from current (6)
Total personnel required '08	1	2	3	6	0
Total personnel required '09	1	2	3	6	0
Total personnel required '10	1	2	3	6	0

Table 5-82. Civilian manpower requirements (pre-2003) – FY08 to FY10 (40-hour workweek)

NLSO Central civilians (35-hour)	Admin-istrative	Legal Assistance Attorney	Para-legal	Resource Mgmt	Grand Total	Difference from current (11)
Total personnel required '08	5	1	2	1	9	-2
Total personnel required '09	5	1	2	1	9	-2
Total personnel required '10	5	1	2	1	9	-2

Table 5-83. Civilian manpower requirements (post-2003) – FY08 to FY10 (40-hour workweek)

NLSO Central civilians (35-hour)	Admin-istrative	Legal Assistance Attorney	Para-legal	Resource Mgmt	Grand Total	Difference from current (11)
Total personnel required '08	4	1	1	1	7	-4
Total personnel required '09	4	1	1	1	7	-4
Total personnel required '10	4	1	1	1	7	-4

Table 5-84. Civilian manpower requirements (pre-2003) – FY08 to FY10 (45-hour workweek)

NLSO Central civilians (40-hour)	Administra-tive	Legal Assistance Attorney	Paralegal	Resource Mgmt	Grand Total	Difference from current (11)
Total personnel required '08	4	1	1	1	7	-4
Total personnel required '09	4	1	1	1	7	-4
Total personnel required '10	4	1	1	1	7	-4

Table 5-85. Civilian manpower requirements (post-2003) – FY08 to FY10 (45-hour workweek)

NLSO Central civilians (40-hour)	Administra-tive	Legal Assistance Attorney	Paralegal	Resource Mgmt	Grand Total	Difference from current (11)
Total personnel required '08	4	1	1	1	7	-4
Total personnel required '09	4	1	1	1	7	-4
Total personnel required '10	4	1	1	1	7	-4

NLSO Central summary

The current manpower strength for officers at NLSO Central is 19, and 17 of them completed the diary. Our calculations show that, if the current paradigm for mil-justice-related work continues, NLSO Central will require 21 officers, for a net increase of 2. If the paradigm shifts back to the pre-2003 paradigm, however, the officer requirement increases to about 29 for a net increase of 10.

There are 6 enlisted personnel at NLSO Central. Using the same requirements logic for the civilian and enlisted personnel yields the following results. If the current paradigm continues, the enlisted requirement remains at 6 in FY 08 through FY 10. For the pre-2003 scenario, the enlisted requirement is 7, for a net increase of +1.

The current number of civilians on board at NLSO Central is 11. The civilian requirement for post-2003, and a 40-hour workweek, is 7 personnel—for a decrease of 4 personnel. This increases to 9 civilian personnel under the pre-2003 scenario (a decrease of 2). If one assumes a 45-hour workweek, the requirements are slightly lower. The requirement for civilian personnel is 7 (a net decrease of 4 personnel), regardless of whether we make pre-2003 or post-2003 assumptions concerning military justice workload.

The chain of command at NLSO Central was given a chance to review this chapter. They read the chapter and offered no comment.

NLSO Southeast (SE)

Current personnel count

The analysis for NLSO SE covers the main NLSO office in Jacksonville, as well as the three branch offices in Charleston, Kings Bay, Guantanamo Bay, and the detachment at Mayport (see Table 5-86).

Table 5-86. NLSO SE respondents

Employment Status	Civilian	Enlisted - LIMDU	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Grand Total
Administrative	2			1	3
Defense Counsel				9	9
Enlisted - Court Reporter			1		1
Enlisted - Executive			1		1
Enlisted - Legalmen			3		3
Executive	1			2	3
Legal Assistance Attorney	2			4	6
LIMDU		5			5
Paralegal	5				5
Resource Mgmt	1				1
Grand Total	***11***	***5***	***5***	***16***	***37***
Actual NLSO Total	***13***	***5***	***6***	***20***	***44***

Overall, the response rate for the workload survey was very high. From Table 5-87, we note that about 84 percent of all the NLSO personnel at all offices completed at least 1 day of the workload diary. Of the 20 officers assigned to these offices, 4 were in IA status and did not take the survey. Thus, the effective response for officers was 100 percent. We believe that the response rate was sufficiently high to claim that data represent the actual work done at the command.

Note that all of the employee types for officer, civilian, and enlisted are largely composed of attorneys and other legal professionals. The NLSOs have a minimal administrative staff—2 executive officers and 1 civilian working in the resource management function.

Table 5-87. NLSO SE average hours worked by employment status

Current employment status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Workweek (Adjusted)
Civilian	909	11	41.3	9.7	42.5
Enlisted - LIMDU	364	5	36.4	9.6	37.9
Enlisted (including active duty or reserve)	359.5	5	36.0	9.2	39.1
Officer (including active duty or reserve)	1,502.5	16	47.0	10.3	47.0
Total Hours	***3,135***	***37***	***42.4***	***9.9***	***42.8***

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some personnel were on leave, sick, or in some other capacity that prevented them from doing NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up. To do this, we examined the average days worked, as measured by the number of days in which a respondent entered at least some time, and adjusted the raw average workweek to reflect a "typical" 5-day workweek. If the personnel type worked more than 5 days per week, we made no adjustment and assumed that this represented a typical week. These results are in Table 5-88.

As we can see, the officers had the longest workweek, even after making adjustments. Officers worked about 47 hours per week, followed by the civilian and enlisted personnel, each working close to 40 hours per week. Raw average hours worked for LIMDUs was slightly lower, probably reflecting the fact that many LIMDUs do not work complete days due to doctor visits and other restraints on their workday. In sum, we conclude that the officers seem to be experiencing only slight stress, while the rest of the command is not.

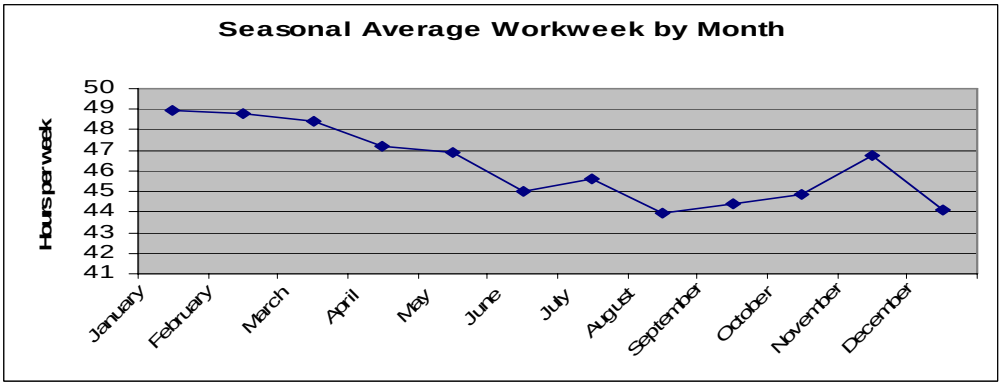
Table 5-88. Distribution of hours by task (officers only)

NLSO SE - Officer Table	Admin	Exec/ Exec Spt	Facility	Instruc-tor	Legal	Other	Res Mgmt	Tax	Train-ing	Travel	Grand Total
Administrative	12.5	3.5	3.5	2	12.5	9				8	51
Defense Counsel	48	2			705.5	81			5.5	36	878
Executive	10	134.5				41.5	0.5		22	28.5	237
Legal Assist. Atty.	9	9.5		1	201	50		5	43	18	336.5
Total Hours	***79.5***	***150***	***3.5***	***3***	***919***	***182***	***0.5***	***5***	***70.5***	***90.5***	***1,503***

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-9 shows a downward trend in the workload until August. The total yearly average was almost equal to the June workweek. As a result, we believe that the time period in which we conducted the survey is representative of the average workload for the years and does not require adjustment.

Figure 5-9. Seasonal workweek by month

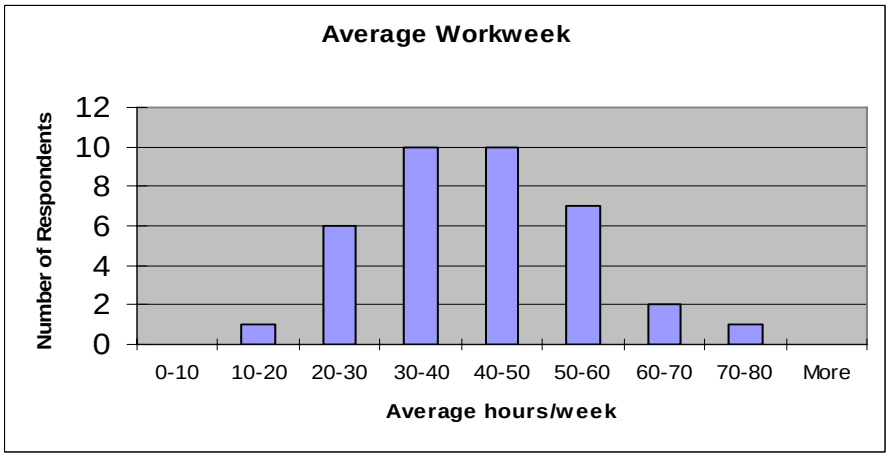


Employees who work over 50 hours per week

The unadjusted average workweek for the NLSO was 42.4 hours. As mentioned earlier, however, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time, as well as a large contingent of LIMDUs who were asked to fill out only 2 days of the work diary.

Figure 5-10 offers a more complete picture of hours worked per employee. Specifically, 20 of 37 employees (or 54 percent of the workforce) worked 40 plus hours per week during the survey. For the reasons stated earlier, however, the LIMDUs often have shorter workweeks. If we subtract them from our count, 63 percent of the workforce recorded more than 40 hours per week.

Figure 5-10. Total unadjusted hours worked during the 2-week reporting period (n = 37)



Further, approximately 27 percent of the workforce (i.e., 10 of 37 employees) actually worked over 50 hours on a weekly basis. Seven of the 10 were officers, including 5 defense counsel and 2 executives. In addition, 2 civilian paralegals and 1 enlisted legalman also reported working more than 50 hours per week. From these data, we conclude that the most stressed part of these NLSOs were the officers working in a legal area. The rest of the command worked hours consistent with a 40-hour workweek.

Indicators that the workforce is cross-tasked too much

Table 5-89 through Table 5-93 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where

more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-90 that, of the total hours worked during the 2-week diary, over 61 percent (919/1,503) were related to legal tasks. "Executive" and "other" were two tasks that also accounted for a significant amount of worker hours. This indicates that the officers, especially the executives, spend a great deal of their time doing some non-legal tasks. On a positive note, the defense counsel spent 80 percent of their time doing other legal tasks, mostly related to military justice. The rest of the functional area tasks accounted individually for small shares of the overall hours.

The civilian community, with a much larger percentage of workers in the administrative and HQ functional areas, spent a greater amount of time on admin tasks. Those civilians who were in legal positions spent most of their time doing legal tasks.

Members of the LIMDU community reported that most of their hours were spent doing admin tasks. This labor force plays a more important role as tax advisors during the tax season. However, since our survey did not occur during the tax season, this is not reflected in their reported hours.

The enlisted legalmen spent very little time doing actual legal-related tasks. Rather, over half of their time was spent doing admin and executive tasks.

In sum, all personnel spent some time doing work outside their specialties. This is especially true for the officers and enlisted. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. Rather, it is probably the case that the positions in a NLSO naturally require that a certain amount of time be spent doing tasks outside one's specialty.

Table 5-89. Percentage distribution of hours by task (officers only)

NLSO SE - Officer Table	Admin	Exec/ Exec Spt	Facility	Instruc-tor	Legal	Other	Res Mgmt	Tax	Train-ing	Travel
Administrative	25%	7%	7%	4%	25%	18%	0%	0%	0%	16%
Defense Counsel	5%	0%	0%	0%	80%	9%	0%	0%	1%	4%
Executive	4%	57%	0%	0%	0%	18%	0%	0%	9%	12%
Legal Assist. Atty.	3%	3%	0%	0%	60%	15%	0%	1%	13%	5%

Table 5-90. Distribution of hours by task (civilian only)

NLSO SE Civilian Table	Admin	Exec/ Exec Spt	Facility	Instruc-tor	Legal	Other	Res Mgmt	Train-ing	Travel	Grand Total
Administrative	85.5		14.5		23.5	18.5	4.5			146.5
Executive	14.5	34			3.5					52
Legal Assist. Atty	8	6		9	177	21.5			11.5	233
Paralegal	126.5			1.5	263	12.5		3	6	412.5
Resource Mgmt	31.5				10	2	21.5			65
Total Hours	266	40	14.5	10.5	477	54.5	26	3	17.5	909

Table 5-91. Percentage distribution of hours by task (civilian only)

NLSO SE Civilian Table	Admin	Exec/ Exec Spt	Facility	Instruc-tor	Legal	Other	Res Mgmt	Train-ing	Travel
Administrative	58%	0%	10%	0%	16%	13%	3%	0%	0%
Executive	28%	65%	0%	0%	7%	0%	0%	0%	0%
Legal Assist. Atty	3%	3%	0%	4%	76%	9%	0%	0%	5%
Paralegal	31%	0%	0%	0%	64%	3%	0%	1%	1%
Resource Mgmt	48%	0%	0%	0%	15%	3%	33%	0%	0%

Table 5-92. Distribution of hours by task (enlisted only)

NLSO SE - Enlisted Table	Admin	Exec/ Exec Spt	Facil-ity	Hum Res	Instruc-tor	Le-gal	Other	Tax	Train-ing	Tra-vel	Grand Total
LIMDU	329.5					19.5	7.5	7.5			364
Enlisted - Court Reporter						81	2.5				83.5
Enlisted - Executive	7	25.5			8	8	44.5		3	6.5	102.5
Enlisted - Legalmen	59	33.5	5.5	0.5		53.5	21.5				173.5
Total Hours	***396***	***59***	***5.5***	***0.5***	***8***	***162***	***76***	***7.5***	***3***	***6.5***	***724***

Table 5-93. Percentage distribution of hours by task (enlisted only)

NLSO SE - Enlisted Table	Admin	Exec/ Exec Spt	Facil-ity	Hum Res	Instruc-tor	Le-gal	Other	Tax	Train-ing	Travel
LIMDU	91%	0%	0%	0%	0%	5%	2%	2%	0%	0%
Enlisted - Court Reporter	0%	0%	0%	0%	0%	97%	3%	0%	0%	0%
Enlisted - Executive	7%	25%	0%	0%	8%	8%	43%	0%	3%	6%
Enlisted - Legalmen	34%	19%	3%	0%	0%	31%	12%	0%	0%	0%

Direct versus indirect hours worked

Table 5-94 through Table 5-99 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In Table 5-95 through Table 5-100, they are shaded in grey and generally refer to such work output as budget services and human resource services.

Officers spent 1,128 hours (about 85 percent of their time) providing some type of legal service. Defense counsel spent about 92 percent their time working on military-justice-related issues. The legal assistance attorneys provided a much larger variety of legal services.

Civilians spent 693.5 hours (or 76 percent of their time) doing legal work, mostly in their related fields. The legal assistance attorneys, for example, spent 73 percent of their time doing legal assistance.

The enlisted personnel spent 603 hours (83 percent of their time) on a wide range of legal services with a great portion of that number devoted to legal assistance and other legal services. This indicates that many of the hours spent doing administrative tasks were, in fact, in support of legal services.

When looking at how the NLSO personnel spend their time doing tasks in support of the various services and products they create, it is

clear that the enlisted personnel spend much more time doing a greater variety of non-legal tasks in creating actual legal services, especially courts-martial. This may be due to the nature of military justice. That is, courts-martial and other related military justice legal services may require a great deal of administrative and other ancillary tasks to be done in support.

Table 5-94. Distribution of hours across product and service areas (officers only)

NLSO SE - Officer Table	Admin	Defense Counsel	Executive	Legal Assistance Attorney	Total Hours
Administrative Law (Military Personnel Law)		40.5			40.5
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)		10.5			10.5
General Litigation		1			1
Joint Matters		6			6
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	12.5	103		189	304.5
Legal Assistance-Taxes	2.5			3	5.5
Military Justice-Administrative Separations		201.5	0.5	3	205
Military Justice-Courts-martial		370	2	5	377
Military Justice-Investigations		15.5	1	1.5	18
Military Justice-NJP		36			36
Military Justice-Records		1			1
Other (legal services)	13	19		23	55
Training-NJS	8		29.5	30.5	68
(No Area)	3.5	5.5		3	12
Budget/Fiscal/Comptroller/Acquisitions	1	1			2
Headquarters/Management/Program Analysis/Policy		4	109		113
Headquarters/Personnel/Pay/Travel	5.5	2.5	1		9
Other (non-legal-related services)	5	59	49.5	45	158.5
Other product area (e.g., security, facility management, administrative)		2	44.5		46.5
Training-not NJS/Other				33.5	33.5
Grand Total	***51***	***878***	***237***	***336.5***	***1,502.5***

Table 5-95. Percentage distribution of hours across product and service areas (officers only)

NLSO SE - Officer Table	Admin	Defense Counsel	Execu-tive	Legal Assistance Attorney
Administrative Law (Military Personnel Law)	0%	5%	0%	0%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc.)	0%	1%	0%	0%
General Litigation	0%	0%	0%	0%
Joint Matters	0%	1%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	25%	12%	0%	56%
Legal Assistance-Taxes	5%	0%	0%	1%
Military Justice-Administrative Separations	0%	23%	0%	1%
Military Justice-Courts-martial	0%	42%	1%	1%
Military Justice-Investigations	0%	2%	0%	0%
Military Justice-NJP	0%	4%	0%	0%
Military Justice-Records	0%	0%	0%	0%
Other (legal services)	25%	2%	0%	7%
Training-NJS	16%	0%	12%	9%
(No Area)	7%	1%	0%	1%
Budget/Fiscal/Comptroller/Acquisitions	2%	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	0%	0%	46%	0%
Headquarters/Personnel/Pay/Travel	11%	0%	0%	0%
Other (non-legal-related services)	10%	7%	21%	13%
Other product area (e.g., security, facility management, administrative)	0%	0%	19%	0%
Training-not NJS/Other	0%	0%	0%	10%

Table 5-96. Distribution of hours across product and service areas (civilians only)

NLSO SE - Civilian Table	Admin	Executive	Legal Assistance Attorney	Paralegal	Resource Mgmt	Total Hours
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	78.5		170.5	318.5	1.5	569
Military Justice-Courts-martial				4.5		4.5
Military Justice-NJP				73		73
Military Justice-Records				7		7
Other (legal services)	9		28	3		40
(No Area)	3.5					3.5
Budget/Fiscal/Comptroller/Acquisitions	1				43	44
Headquarters/Management/Program Analysis/Policy		22.5				22.5
Headquarters/Personnel/Pay/Travel		5	1.5			6.5
IT Systems and Support				3		3
Other (non-legal-related services)	48		29.5	2	18.5	98
Other product area (e.g., security, facility management, administrative)	6.5	24.5	1	1.5	2	35.5
Training-not NJS/Other			2.5			2.5
Grand Total	***146.5***	***52***	***233***	***412.5***	***65***	***909***

Table 5-97. Percentage distribution of hours across product and service areas (civilians only)

NLSO SE - Civilian Table	Admin	Executive	Legal Assistance Attorney	Paralegal	Resource Mgmt
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	54%	0%	73%	77%	2%
Military Justice-Courts-martial	0%	0%	0%	1%	0%
Military Justice-NJP	0%	0%	0%	18%	0%
Military Justice-Records	0%	0%	0%	2%	0%
Other (legal services)	6%	0%	12%	1%	0%
(No Area)	2%	0%	0%	0%	0%
Budget/Fiscal/Comptroller/Acquisitions	1%	0%	0%	0%	66%
Headquarters/Management/Program Analysis/Policy	0%	43%	0%	0%	0%
Headquarters/Personnel/Pay/Travel	0%	10%	1%	0%	0%
IT Systems and Support	0%	0%	0%	1%	0%
Other (non-legal-related services)	33%	0%	13%	0%	28%
Other product area (e.g., security, facility management, administrative)	4%	47%	0%	0%	3%
Training-not NJS/Other	0%	0%	1%	0%	0%

Table 5-98. Distribution of hours across product and service areas (enlisted only)

NLSO SE - Enlisted Table	LIMDU	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen	Total Hours
Admin Law (Military Personnel Law)				8	8
JAGMAN Investigations		2.5			2.5
Joint Matters				2.5	2.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	244	81		34.5	359.5
Legal Assistance-Taxes				1.5	1.5
Military Justice-Admin Separations				10	10
Military Justice-Courts-martial				1.5	1.5
Military Justice-Investigations				0.5	0.5
Military Justice-Judiciary				2.5	2.5
Military Justice-NJP				22	22
Military Justice-Records				3	3
Other (legal services)	120		49.5	20	189.5
Headquarters/Management/Program Analysis/Policy			5		5
Other (non-legal-related services)			39	62	101
Other product area (e.g., security, facility management, administrative)			2	5.5	7.5
Training-not NJS/Other			7		7
Grand Total	***364***	***83.5***	***102.5***	***173.5***	***723.5***

Table 5-99. Percentage distribution of hours across product and service areas (enlisted only)

NLSO SE - Enlisted Table	LIMDU	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen
Admin Law (Military Personnel Law)	0%	0%	0%	5%
JAGMAN Investigations	0%	3%	0%	0%
Joint Matters	0%	0%	0%	1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	67%	97%	0%	20%
Legal Assistance-Taxes	0%	0%	0%	1%
Military Justice-Admin Separations	0%	0%	0%	6%
Military Justice-Courts-martial	0%	0%	0%	1%
Military Justice-Investigations	0%	0%	0%	0%
Military Justice-Judiciary	0%	0%	0%	1%
Military Justice-NJP	0%	0%	0%	13%
Military Justice-Records	0%	0%	0%	2%
Other (legal services)	33%	0%	48%	12%
Headquarters/Management/Program Analysis/Policy	0%	0%	5%	0%
Other (non-legal-related services)	0%	0%	38%	36%
Other product area (e.g., security, facility management, administrative)	0%	0%	2%	3%
Training-not NJS/Other	0%	0%	7%	0%

NLSO SE manpower requirements—FY08 to FY10

As shown earlier in Table 5-86, the overall response rate to the survey was very high. Technically, the billet file for the NLSOs shows 20 officer positions; however, 4 were listed as IAs and were not actually working at the NLSO offices. Our data show 16 officers responding to the work diary for an effective response of 100 percent. Participation among the rest of the command was also very high.

Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by

interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

Table 5-100 shows officer requirements using the pre-2003 scenario. For example, we note that the 9 defense counsel who completed the diary spent 370 hours doing GCM work. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to adjusted lower to factor in the 2.4-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 599.5 hours (1.66 x .976 x 370). Applying the appropriate rule for future workload to the other service areas gives us a total of 1,330.5 hours of expected work (versus the 878 hours recorded in the diary. Assuming a 50-hour workweek (or 90 hours for two weeks—leaving 5 per week for sick leave and vacation) implies that NLSO SE will require about 15 (versus the current 9) defense counsel. Applying the same logic in the low case (or post-2003 scenario) yields the officer manpower requirements shown in Table 5-101. Manpower requirements under both scenarios for the enlisted and civilian components of NLSO SE are shown in Table 5-102 through Table 5-105.

Table 5-100. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

Fiscal Year	Admin	Defense Counsel	Executive	Legal Asst. Atty.	Total	Current Total	Difference
Total manpower required '08	1	15	2	4	22	20	2
Total manpower required '09	1	15	2	4	22	20	2
Total manpower required '10	1	15	2	3	22	20	2

Table 5-101. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

Fiscal Year	Admin	Defense Counsel	Executive	Legal Asst. Atty.	Total	Current Total	Difference
Total manpower required '08	1	10	2	3	17	20	-3
Total manpower required '09	1	10	2	3	17	20	-3
Total manpower required '10	1	9	2	3	16	20	-4

Table 5-102. Enlisted manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	LIMDU	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen	Non-LIMDU total reqt.	Current non-LIMDU total	Difference
Total manpower required '08	4	1	1	2	4	6	-2
Total manpower required '09	4	1	1	2	4	6	-2
Total manpower required '10	4	1	1	2	4	6	-2

Table 5-103. Enlisted manpower requirements (post-2003) – FY08 to FY10

Fiscal Year	LIMDU	Enlisted - Court Reporter	Enlisted - Executive	Enlisted - Legalmen	Non-LIMDU total reqt.	Current non-LIMDU total	Difference
Total manpower required '08	4	1	1	2	4	6	-2
Total manpower required '09	4	1	1	2	4	6	-2
Total manpower required '10	4	1	1	2	4	6	-2

Table 5-104. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Exec	Legal Asst. Atty.	Para-legal	Resource Mgmt	Total	Current Total	Difference
Total manpower required '08	3	1	4	7	1	15	13	2
Total manpower required '09	3	1	4	7	1	15	13	2
Total manpower required '10	3	1	4	7	1	15	13	2

Table 5-105. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Exec	Legal Asst. Atty.	Para-legal	Resource Mgmt	Total	Current Total	Difference
Total manpower required '08	3	1	4	7	1	15	13	2
Total manpower required '09	3	1	4	7	1	15	13	2
Total manpower required '10	3	1	4	7	1	15	13	2

NLSO SE summary

The current manpower strength for officers at NLSO SE is a little high, assuming that the military justice paradigm that has existed since 2003 continues. For the officer community, there are currently 20 billets, of which 16 are actually filled; the other 4 are in IA status. Our calculations show that, under this scenario, only 17 officers are required to manage the workload out to 2009 and 16 in 2010. This is primarily due to the modest workweek currently worked by the officers and to the fact that the Navy drawdown in total manpower (which drives military justice workload), while small

over the next 3 years, drives down requirements. The officer requirement increases under the pre-2003 scenario are due to a substantial increase in military justice workload.

Our calculations show that the enlisted requirement is slightly less under both scenarios. This was driven by a workweek that was somewhat less than the officer community's and a 50-hour workweek requirement for uniformed personnel.

There are several caveats to the LIMDU requirements. First, we used a 50-hour workweek for the LIMDUs just as we did for all other military personnel. In reality, many LIMDUs are restricted from working long workweeks for medical reasons. Thus, 50-hour workweeks are not a realistic requirement. Second, our data collection did not occur during tax season when the NLSO relies on the LIMDUs even more heavily. Third, there is very little direct cost to the NLSO for LIMDUs. As long as the indirect costs (administrative costs, NMCI seat costs, etc.) are sufficiently low, there will always be value in having more LIMDUs on staff doing work that might not otherwise get done.

The decrease in enlisted personnel (-2) is exactly matched by an increase in civilians (+2). Their increase is due to the 40-hour per week requirement that allows for more civilians given an equal workweek.

NLSO Northwest (NW)

Count of survey respondents

The analysis for NLSO Northwest covers the main NLSO office in Bremerton as well as three branch offices and detachments (Whidbey, Bangor, and Everett).

The response rate from NLSO NW for the workload survey was very high, especially considering that NLSO Bremerton had 1 officer on an IA at that time. Respondents included 11 civilians, 6 enlisted (including 4 legalmen), 15 officers, and 9 LIMDU enlisted, for a total of 41 (see table 5-106). These are extremely high response rates: 100 percent for both the officers and civilians and 85.7 percent for enlisted personnel. (The CO of NW told us that they were allowed only 13 officers at the time of the survey—the overcount was the result of officers transferring out who had not yet done so).

Table 5-106. NLSO Northwest respondents

Employment status--NLSO NW	Civilian	Enlisted (incl. active duty or reserve)	Enlisted -- LIMDU	Officer (incl. active duty or reserve)	Grand Total
Administrative Officer-Manager	1				1
Civilian Paralegal	2				2
Clerical-Administrative	4				4
Defense Counsel (incl. some legal asst tasks)				6	6
Enlisted--Electrical/Mechanical (e.g., GM, MM, AO, AB, GS)			5		5
Enlisted--Electronics (e.g., ST, FC, ET, AT)			2		2
Enlisted--Functional Support/Admin (e.g., YN, PS, JO, AZ)		1	1		2
Enlisted-Legalman (or equivalent Marine)		4	1		5
Executive (Director, CO, XO, Special Assistant)				2	2
Executive Support (EA, JAG IG, CMC, SEA)		1			1
Legal Admin Assistant	2				2
Legal Assistance Attorney	2			7	9
Grand Total	11	6	9	15	41
Actual NLSO total	11	7	4	15	

We did not venture to estimate the response rate for limited duty personnel because of difficulty obtaining a useful estimate of the number of LIMDUs who were available to answer the work diary. We conducted a search of the billet file for LIMDUs as of June 8, 2007, and found 4 assigned to NLSO Northwest. But our dataset for NLSO Northwest includes a sampling of 9 limited duty personnel. The discrepancy should not be surprising because LIMDUs are sometimes available from a temporary labor pool from the naval station without being formally assigned to the NLSO. Numbers of LIMDU personnel who are available for work can fluctuate considerably from day to day.

The table also tells us that the civilians who answered were predominantly clerical administrative (4), paralegals (2), legal admin assistants (2), or legal assistance attorneys (2). One administrative officer-manager answered the work survey. The officers who answered were mostly legal assistance attorneys (7) or defense counsel (6). They had 2 executive officers (CO, XO, etc.). All told, this is a very good response rate for describing the work being performed at NLSO Northwest. The table shows that all of the permanent employee types (officer, enlisted, and civilians) are largely composed of attorneys and other legal professionals.

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis.

While some research has shown a weak tie between long hours and stress-related problems (low morale, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. For our purposes, stress is a situation in which the workload is simply too great for the workforce, and a backlog of work might be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages to take this into account.

To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. These results are in Table 5-107.

Table 5-107. NLSO Northwest average hours worked by employment status

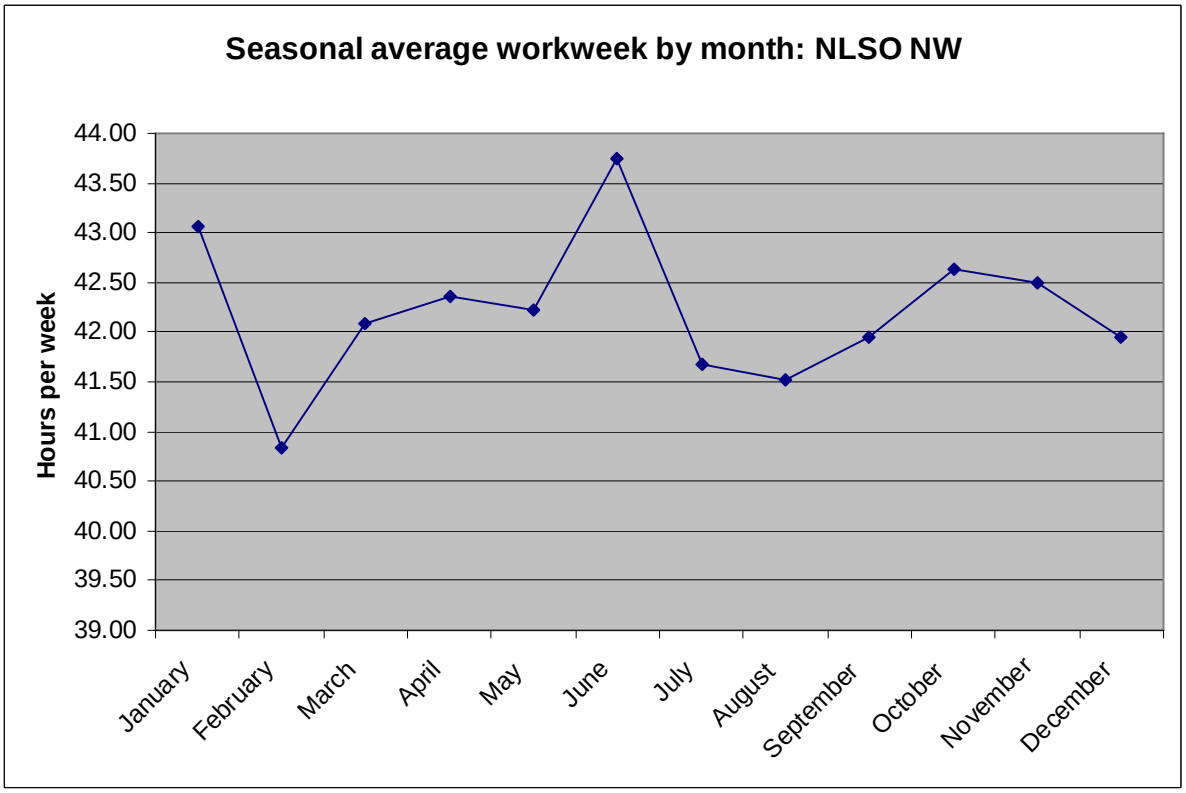
Current employment status-- NLSO Northwest	Total hours	Total personnel reporting	Average work-week	Average days worked	Average workweek (adjusted)
Civilian	851	11	38.7	9.2	42.0
Enlisted (including active duty or reserve)	465.5	6	38.8	8.6	45.1
LIMDU	529.5	9	29.4	8.4	35.0
Officer (including active duty or reserve)	1371.5	15	45.7	10.2	45.7
Grand Total	3,217.5	41	39.2	9.3	42.3

As we can see, the 15 officers had the longest workweek, both before and after adjustments were made, at 45.7 hours per week. They were followed by the 6 enlisted (legalmen), at 45.1 hours per week (adjusted), and the 11 civilians, at 42.0 hours per week (adjusted). The 9 LIMDUs reported the fewest hours worked per week—29 hours unadjusted, 35 hours adjusted. This is to be expected since we asked the LIMDUs to report only 2 work days. Some LIMDUs, however, reported more than 2 days; for those who did, LIMDU personnel often have medical appointments and sometimes have a need for more rest than do full duty personnel. In summary, the results are pretty much as expected—the highest work hours by officers, followed by enlisted and civilians, with limited duty personnel working the fewest hours per week.

Seasonality

We looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-11 shows that June was a month of relatively high workload—averaging 43.75 hours per week, versus 42.21 hours throughout the entire year. Therefore, we will multiply hours worked by 42.21/43.75, or .965, when we compute workload requirements. This adjustment lowers the estimate of weekly work hours to the yearly average.

Figure 5-11. Seasonal workweek by month: NLSO Northwest

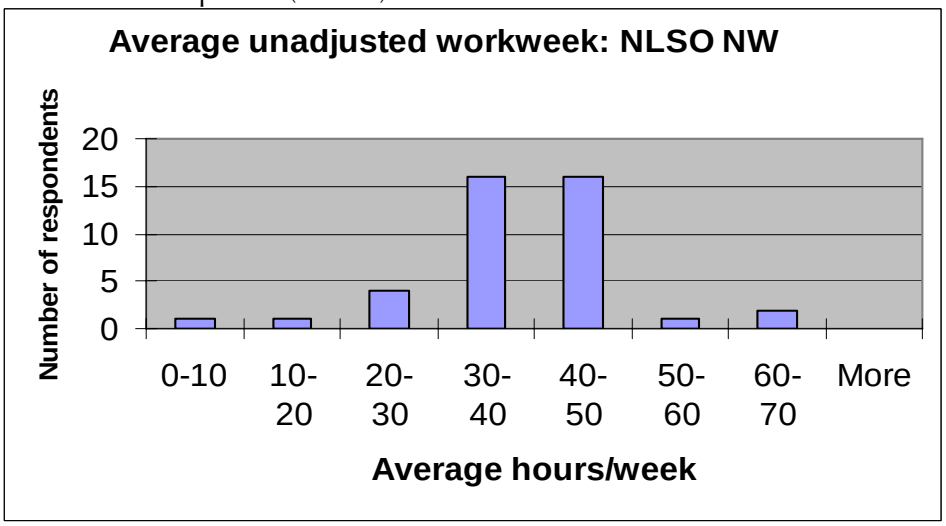


Employees who work over 50 hours per week

The unadjusted average workweek for NLSO NW was 45.7 hours for officers, 38.8 hours for enlisted, and 38.7 hours for civilians. The LIMDUs worked the least. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 5-12 offers a more complete picture of hours worked per employee. It shows that 2 respondents worked an average of 60 to 70 hours during the survey, 4 averaged 60 to 70 hours per week, and 15 averaged 40 to 50 hours. Fifteen others worked 30 to 40 hours per week. The values on the far left of the histogram are almost all LIMDU personnel and should not be considered in the same way as the data for permanent personnel. From these data, we conclude that most of the staff is not stressed due to the current workload, although some officers are, indeed, working very long hours.

Figure 5-12. Total unadjusted hours worked during 2-week reporting period (n = 41): NLSO Northwest



Indicators that the workforce is cross-tasked too much

Table 5-108 through Table 5-113 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (e.g., lawyers, paralegals) spending large amounts of time dong administrative tasks.

Turning first to the officers, we note from Table 5-108 and Table 5-109 that, of the total hours worked during the 2-week diary, 43 percent (591.5/1,371.5) are related to legal tasks. Other (289 hours, 21 percent), executive/executive support (150.5 hours, 11 percent), and training (130.5 hours, 10 percent) were three other areas that accounted for a significant amount of officer time. This indicates that the officers spend a great deal of their time doing executive and executive support tasks, training, or some ancillary work. We also note that, not surprisingly, defense counsel and legal assistance attorneys spend the largest percentages of their time on legal tasks,

whereas executive officers' (CO, XO, etc.) tasks are much more diverse. Note, however, that the executive officers spent 20 percent of their time on administrative tasks, which suggests that they might sometimes be doing tasks that could be performed by administrative staff. It is noteworthy that defense counsel spent 6 percent of their time in travel, and legal assistance attorneys spent 8 percent of their time in travel. This might reflect the particular geography of the Northwest region and the need to visit clients in multiple locations.

Table 5-110 and Table 5-111 show the enlisted results. The enlisted personnel spend much more time than the officers doing administrative tasks (509 hours, or 51 percent, for enlisted personnel versus 8 percent for officers). This percentage is smaller when the LIMDUs are taken out, but it is still 41 percent of the time spent by other categories of enlisted personnel, including 35 percent of the time spent by legalmen. "Other" tasks also represent a large percentage of time for enlisted personnel—consisting of 65 percent of the hours of the enlisted executive, 22 percent for enlisted admin support staff, and 15 percent for legalmen.

Table 5-112 and Table 5-113 show results for the civilian personnel. The civilians spend the largest amount of time doing legal tasks (424.5 out of 851 hours, 50 percent), followed by admin (345 out of 851, 41 percent). All other categories of tasks accounted for relatively small percentages of time.

In sum, all personnel spent some time doing work outside their specialties. Officers spend most of their time performing legal tasks, but other tasks make up from 17 to 29 percent of their work time. The executive officers (CO, XO, etc.) spend 42 percent of their time in executive/executive support tasks. Enlisted personnel spend a large proportion of their time performing administrative tasks, and legalmen spend 35 percent of their time on administrative tasks. Civilians spend the largest share of their time in legal tasks, though administrative tasks also constitute a large proportion of their time. It is noteworthy that the civilian paralegals report spending 32 percent of their time on administrative tasks.

Table 5-108. Distribution of hours by task (officers only): NLSO Northwest

NLSO Northwest officer table	Ad-min	Exec/ Exec Spt	Instructor	Legal	Other	Res Mgmt	Tax	Train-ing	Travel	Grand Total
Defense Counsel	41.5	23.5	8.5	244.5	127.5			77.5	30.5	553.5
Executive	35.5	75.5		16.0	52.0	1.5				180.5
Legal Assist. Atty.	28.5	51.5	12.5	331.0	109.5		0.5	53.0	51.0	637.5
Grand Total	105.5	150.5	21.0	591.5	289.0	1.5	0.5	130.5	81.5	1,371.5

Table 5-109. Percentage distribution of hours by task (officers only): NLSO Northwest

NLSO Northwest officer table	Admin	Exec/ Exec Spt	Instructor	Legal	Other	Res Mgmt	Tax	Train-ing	Travel	Grand Total
Defense Counsel	7%	4%	2%	44%	23%	0%	0%	14%	6%	100%
Executive	20%	42%	0%	9%	29%	1%	0%	0%	0%	100%
Legal Assist. Atty.	4%	8%	2%	52%	17%	0%	0%	8%	8%	100%

Table 5-110. Distribution of hours by task (enlisted only): NLSO Northwest

NLSO Northwest enlisted table	Enlisted - Admin Support	Enlisted - Executive	Enlisted - Legalmen	LIMDU	Total hours
Admin	99.5	16.5	98.5	294.5	509.0
Executive / Executive Support		11.0	11.5	5.0	27.5
Facility				9.0	9.0
Human Resources			3.0		3.0
Instructor			1.5		1.5
Legal	17.5	1	118	103	239.5
Other	35.5	52.0	42.0	45.0	174.5
Training	8.0		3.5	9.0	20.5
Travel			2.5	8.0	10.5
Grand Total	160.5	80.5	280.5	473.5	995.0

Table 5-111. Percentage distribution of hours by task (enlisted only): NLSO Northwest

NLSO Northwest enlisted table	Enlisted - Admin Support	Enlisted - Exec	Enlisted - LN	LIMDU
Admin	62%	20%	35%	62%
Executive / Executive Support	0%	14%	4%	1%
Facility	0%	0%	0%	2%
Human Resources	0%	0%	1%	0%
Instructor	0	0	1%	0
Legal	11%	1%	42%	22%
Other	22%	65%	15%	10%
Training	5%	0%	1%	2%
Travel	0%	0%	1%	2%

Table 5-112. Distribution of hours by task (civilians only): NLSO Northwest

NLSO Northwest civilian table	Adminis-trative	Legal Assistance Attorney	Paralegal	Grand Total
Admin	233.5	11.0	100.5	345.0
Executive / Executive Support		15.5	13.0	28.5
Facility	2.5			2.5
Human Resources	1.0			1.0
Instructor	1.5	1.5	2.5	5.5
IT	2.5			2.5
Legal	135.0	103.5	186.0	424.5
Other	11.0	0.5		11.5
Tax		0.5		0.5
Training		8	4	12
Travel		11.0	6.5	17.5
Grand Total	387.0	151.5	312.5	851.0

Table 5-113. Percentage distribution of hours by task (civilians only): NLSO Northwest

NLSO Northwest civilian table	Adminis-trative	Legal Assistance Attorney	Paralegal
Admin	60%	7%	32%
Executive / Executive Support	0%	10%	4%
Facility	1%	0%	0%
Human Resources	0%	0	0
Instructor	0%	1%	1%
IT	1%	0%	0%
Legal	35%	68%	60%
Other	3%	0%	0
Tax	0%	0%	0%
Training	0%	5%	1%
Travel	0%	7%	2%

Direct versus indirect hours worked

Table 5-114 through Table 5-119 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are

shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that support the JAG community. This could also be considered overhead. In tables 5-114 through 5-119, they are shaded in grey and generally refer to such work output as budget services and human resource services. These are essential functions, but they are not direct labor hours.

Officers spent 814.5 hours (or about 59 percent of their total time) providing some type of legal product or service. Defense counsel, appropriately, spent 43 percent of their time working on military justice—courts-martial. Other military-justice-related products and services, such as administrative separations (4 percent), investigations (8 percent), and Naval Justice School (11 percent), took up another large proportion of their time. Other non-legal-related services, nevertheless, took 26 percent of the time of defense counsel. Executive officers (CO, XO, etc.), not surprisingly, spent far less time on legal services and much time in other non-legal-related services (62 percent) or headquarters/management/program analysis services (19 percent). Legal assistance attorneys spent most of their time providing legal assistance (52 percent), followed by other non-legal-related services (26 percent).

Enlisted personnel spent 693.5 hours, 70 percent of their time, providing some type of legal service. This was particularly true for the legalmen. Enlisted executives spent a much larger proportion of their time (80 percent) on non-legal-related services. We find it noteworthy that LIMDUs spent 81 percent of their time on legal assistance of some sort.

Civilians spent the same amount of their time, 693.5 hours (81 percent), providing legal products or services. This emphasis on legal services applied to all categories of civilian personnel. A major emphasis at NLSO Northwest was on legal assistance: Administrative personnel, legal assistance attorneys, and paralegals spent 49, 84, and 53 percent of their time, respectively, on legal assistance.

In summary, when looking at how the NLSO personnel spend their time, the largest product areas are legal assistance, military justice–courts-martial, and other legal services. Officers spend more time

on executive and executive support services. Civilians are particularly focused on legal assistance, as are LIMDU personnel. Enlisted personnel who classify themselves as enlisted executives or admin support spend a greater amount of time than the legalmen on non-legal-related services. These differences suggest that officers, civilians, and enlisted personnel are used for different roles in supporting the NLSO's missions.

Table 5-114. Distribution of hours across product and service areas (officers only): NLSO Northwest

NLSO Northwest officer table	Defense Counsel	Executive	Legal Assistance Attorney	Grand Total
Administrative Law (Ethics)		0.5		0.5
Administrative Law (Military Personnel Law)	2.0	5.5		7.5
General Litigation		1.0		1.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)			329.5	329.5
Military Justice-Administrative Separations	21.0	8.0	33.5	62.5
Military Justice-Courts-martial	235.5	2.5	7.5	245.5
Military Justice-Investigations	44.0	0.5		44.5
Military Justice-Judiciary	4.0			4.0
Military Justice-NJP	3.0	1.5		4.5
Military Justice-Records	2.0			2.0
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	1.5			1.5
Naval Justice School (NJS)	58.5			58.5
Other (legal services)	16.5	6.5	29.0	52.0
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)		0.5		0.5
Training-NJS		0.5		0.5
Headquarters/Management/Program Analysis/Policy		33.5	4.0	37.5
Headquarters/Personnel/Pay/Travel		3.5	7.0	10.5
No area specified	12.5		6.0	18.5
Other (non-legal-related services)	143.0	112.5	166.0	421.5
Other product area (e.g., security, facility management, administrative)	7.0	4.0		11.0
Training-not NJS/Other	3.0		55.0	58.0
Grand Total	553.5	180.5	637.5	1,371.5

Table 5-115. Percentage distribution of hours across product and service areas (officers only): NLSO Northwest

NLSO Northwest officer table	Defense Counsel	Execu-tive	Legal Assistance Attorney
Administrative Law (Ethics)	0%	0%	0%
Administrative Law (Military Personnel Law)	0%	3%	0%
General Litigation	0%	1%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	52%
Military Justice-Administrative Separations	4%	4%	5%
Military Justice-Courts-martial	43%	1%	1%
Military Justice-Investigations	8%	0%	0%
Military Justice-Judiciary	1%	0%	0%
Military Justice-NJP	1%	1%	0%
Military Justice-Records	0%	0%	0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	0%	0%	0%
Naval Justice School (NJS)	11%	0%	0%
Other (legal services)	3%	4%	5%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	0%	0%	0%
Training-NJS	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	0%	19%	1%
Headquarters/Personnel/Pay/Travel	0%	2%	1%
No area specified	2%	0%	1%
Other (non-legal-related services)	26%	62%	26%
Other product area (e.g., security, facility management, administrative)	1%	2%	0%
Training-not NJS/Other	1%	0%	9%

Table 5-116. Distribution of hours across product and service areas (enlisted only): NLSO Northwest

NLSO Northwest enlisted table	Enlisted-Admin Support	Enlisted - Executive	Enlisted - Legalmen	LIMDU	Grand Total
Administrative Law (Military Personnel Law)			14.5		14.5
Environmental Law (Operational)	8.0				8.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)			94.5	382.5	477.0
Legal Assistance-Taxes			0.5		0.5
Military Justice-Administrative Separations			1.0		1.0
Other (legal services)	58.5	16.5	114.5	3.0	192.5
Headquarters/Management/Program Analysis/Policy			4.0		4.0
Headquarters/Personnel/Pay/Travel			10.0		10.0
IT Systems and Support			1.0		1.0
No area specified			0.5	2.5	3.0
Other (non-legal-related services)	90.5	64.0	32.5	85.5	272.5
Other product area (e.g., security, facility management, administrative)			6.5		6.5
Training-not NJS/Other	3.5		1.0		4.5
Grand Total	160.5	80.5	280.5	473.5	995.0

Table 5-117. Percentage distribution of hours across product and service areas (enlisted only): NLSO Northwest

NLSO Northwest enlisted table	Enlisted-Admin Support	Enlisted - Executive	Enlisted - Legalmen	LIMDU
Administrative Law (Military Personnel Law)	0%	0%	5%	0%
Environmental Law (Operational)	5%	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	0%	34%	81%
Legal Assistance-Taxes	0%	0%	0%	0%
Military Justice-Administrative Separations	0%	0%	0%	0%
Other (legal services)	36%	20%	41%	1%
Headquarters/Management/Program Analysis/Policy	0%	0%	1%	0%
Headquarters/Personnel/Pay/Travel	0%	0%	4%	0%
IT Systems and Support	0%	0%	0%	0%
No area specified	0%	0%	0%	1%
Other (non-legal-related services)	56%	80%	12%	18%
Other product area (e.g., security, facility management, administrative)	0%	0%	2%	0%
Training-not NJS/Other	2%	0%	0%	0%

Table 5-118. Distribution of hours across product and service areas (civilians only): NLSO Northwest

NLSO Northwest civilian table	Adminis-trative	Legal Assistance Attorney	Para-legal	Grand Total
Claims	3.5			3.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	190.5	127.5	165.0	483.0
Legal Assistance-Taxes		0.5		0.5
Military Justice-Courts-martial			14.0	14.0
Military Justice-NJP			0.5	0.5
Military Justice-Records			1.5	1.5
Other (legal services)	59.0	15.5	114.5	189.0
Public Affairs		1.5		1.5
IT Systems and Support	4.5			4.5
Other (non-legal-related services)	127.0		2.5	129.5
Other product area (e.g., security, facility management, administrative)			8.5	8.5
Training-not NJS/Other	2.5	6.5	6.0	15.0
Grand Total	387.0	151.5	312.5	851.0

Table 5-119. Percentage distribution of hours across product and service areas (civilian only): NLSO Northwest

NLSO Northwest civilian table	Adminis-trative	Legal Assistance Attorney	Para-legal
Claims	1%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	49%	84%	53%
Legal Assistance-Taxes	0%	0%	0%
Military Justice-Courts-martial	0%	0%	4%
Military Justice-NJP	0%	0%	0%
Military Justice-Records	0%	0%	0%
Other (legal services)	15%	10%	37%
Public Affairs	0%	1%	0%
IT Systems and Support	1%	0%	0%
Other (non-legal-related services)	33%	0%	1%
Other product area (e.g., security, facility management, administrative)	0%	0%	3%
Training-not NJS/Other	1%	4%	2%

NLSO Northwest manpower requirements—FY08 to FY10

As shown earlier in Table 5-106, the overall response rate to the survey was excellent. All officers and civilians provided work diary data, and over 85 percent of enlisted personnel participated. The perfect response rate for officers and civilians meant that we did not need to correct for those who did not respond. Since 6 out of 7 enlisted personnel responded, we multiplied their answers by 7/6, or 1.167, to compensate. This calculation assumes that those enlisted personnel who responded were similar to those who did not respond.

Table 5-114 shows detailed information on the service areas in which the officers spent their time. Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

For example, we note that the 6 defense counsel in NLSO Northwest who completed the diary spent 235.5 hours doing court-martial work (General Courts-Martial (GCMs)). In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 383.11 hours (1.66 x .98 x 235.5). Applying the appropriate rule for all future workload (including GCMs and other areas) gives us a total of 746.61 hours of expected work (versus the 553.5 hours recorded in the diary). Assuming a 50-hour workweek implies that NLSO Northwest will require about 8 (versus the current 6) officer trial counsel (see Table 5-120). Applying the same logic in the post 2003 scenario yields Table 5-121, which has lower requirements. The requirement for defense counsel, for example, is 6—precisely the number currently working at NLSO Northwest.

We caveat these results by reiterating that, in both scenarios, these numbers represent the minimum required personnel. In fact, much of the work done by trial counsel was assumed to be constant in the near future despite the fact that most trial counsel have typically long workweeks. Thus, if we assume that the Navy will return to pre-2003 workloads, they will need at least 8 trial counsel, an addition of 2 staff.

Manpower requirements for the enlisted and civilian components of NLSO Northwest are shown in Table 5-120 through Table 5-127. The same caveats apply for enlisted and civilian groups as they do for the officers. Whereas we used a 50-hour workweek in defining the number of officers and enlisted personnel, we used both a 40-hour and a 45-hour workweek in defining the number of civilians. These two standards for civilians are higher than the federally mandated level of 35 hours per civilian, which has been used in previous manpower studies.

Table 5-120. Officer manpower requirements (pre-2003 scenario--higher) – FY08 to FY10

NLSO Southwest officers	Defense Counsel	Executive	Legal Assistance Attorney	Total officer requirement	Difference between requirement and current (15)
Total personnel required '08	8	2	7	17	2
Total personnel required '09	8	2	7	17	2
Total personnel required '10	8	2	7	17	2

Table 5-121. Officer manpower requirements (post-2003 scenario--lower) – FY08 to FY10

NLSO Southwest officers	Defense Counsel	Executive	Legal Assistance Attorney	Total officer requirement	Difference between requirement and current (15)
Total personnel required '08	6	2	7	15	0
Total personnel required '09	6	2	7	15	0
Total personnel required '10	6	2	7	15	0

Table 5-122. Enlisted manpower requirements (pre-2003--higher) – FY08 to FY10

NLSO Southwest enlisted	Enlisted - Admin Support	Enlisted - Exec	Enlisted - Legalmen	Total non-LIMDU rqmt.	Difference between rqmt. and current (7)	LIMDU rqmt. (20-hr week)	Difference between LIMDU rqmt. and current (15)
Total personnel required '08	2	1	3	6	-1	13	-2
Total personnel required '09	2	1	3	6	-1	13	-2
Total personnel required '10	2	1	3	6	-1	13	-2

Table 5-123. Enlisted manpower requirements (post-2003--lower) – FY08 to FY10

NLSO Southwest enlisted	Enlisted - Admin Support	Enlisted - Exec	Enlisted - Legalmen	Total non-LIMDU rqmt.	Difference between rqmt. and current (7)	LIMDU rqmt. (20-hr week)	Difference between LIMDU rqmt. and current (15)
Total personnel required '08	2	1	3	6	-1	13	-2
Total personnel required '09	2	1	3	6	-1	13	-2
Total personnel required '10	2	1	3	6	-1	13	-2

Table 5-124. Civilian manpower requirements (pre-2003--higher) – FY08 to FY10 (40-hour workweek)

NLSO Southwest civilians (35-hour week)	Administrative	Legal Assistance Attorney	Paralegal	Grand Total	Difference between requirement and current (11)
Total personnel required '08	5	2	4	11	0
Total personnel required '09	5	2	4	11	0
Total personnel required '10	5	2	4	11	0

Table 5-125. Civilian manpower requirements (post-2003, lower) – FY08 to FY10 (40-hour workweek)

NLSO Southwest civilians (35-hour week)	Defense Counsel	Executive	Legal Assistance Attorney	Total officer require-ment	Difference between requirement and current (11)
Total personnel required '08	5	2	4	11	0
Total personnel required '09	5	2	4	11	0
Total personnel required '10	5	2	4	11	0

Table 5-126. Civilian manpower requirements (pre-2003-higher) – FY 08 to FY10 (45-hour workweek)

NLSO Southwest civilians (40-hour week)	Administrative	Legal Assistance Attorney	Paralegal	Grand Total	Difference between requirement and current (11)
Total personnel required '08	5	2	4	11	0
Total personnel required '09	5	2	4	11	0
Total personnel required '10	5	2	4	11	0

Table 5-127. Civilian manpower requirements (post-2003, lower) – FY 08 to FY10 (45-hour workweek)

NLSO Southwest civilians (40-hour week)	Defense Counsel	Executive	Legal Assistance Attorney	Total officer requirement	Difference between requirement and current (11)
Total personnel required '08	5	2	4	11	0
Total personnel required '09	5	2	4	11	0
Total personnel required '10	5	2	4	11	0

We should note that, for the purpose of setting requirements, we have adjusted the hours personnel worked by using the seasonality data that respondents provided. Recall that the average hours worked in June was 47.0 hours per week, which was considerably more than the 45.5-hour average throughout the entire year. Therefore, we have multiplied hours worked by 45.5/47.0, or .968, when computing workload requirements. We used this correction factor to approximate an average work month in the setting of requirements.

NLSO Northwest summary

The current manpower strength for officers at NLSO Northwest is 15, all of whom answered the work diary. Our calculations show that, if the current paradigm for mil-justice-related work continues, using the post-2003 scenario, NLSO Northwest will require 15 officers in FY 2008, for a net change of 0. If the paradigm shifts back to the pre-2003 scenario, however, the officer requirement increases to about 17, for a net change of +2.

Using the same logic for the civilian and enlisted personnel yields the following results. If the current paradigm (post-2003 workload, which is lower) continues, the non-LIMDU enlisted requirement

drops from the current level of 7 to about 6, for a decrease of 1 enlisted person. For the pre-2003 (higher workload) scenario, the non-LIMDU enlisted requirement remains at about 6, which is 1 less than the current number of enlisted personnel. We also attempted to estimate the requirements for LIMDUs, but this estimate should be taken with a grain of salt; clearly, LIMDUs are an important labor source for NLSO Northwest, but it is unclear whether we should consider the 9 LIMDUs as a requirement. However, we computed a "requirement" using a 50-hour workweek for LIMDUs. If this is used as a standard, a requirement for 13 LIMDUs would be computed, which is 2 fewer than were working at NLSO Northwest when the work diary was fielded in June.

Using an assumption of a 40-hour workweek, the civilian requirement for lower, post-2003 workload is 11 personnel versus the current 11—a change of 0. This requirement assumes a 40-hour workweek. This stays at 11 under the pre-2003 scenario—again, no change from the current number of civilian personnel. If the civilian requirement were for a 45-hour workweek, the results would remain the same—no change from the current number of civilian personnel.

NLSO Pacific

Current personnel count

The analysis for NLSO Pacific covers the main NLSO office in Yokosuka as well as the detachments in Guam, Pearl Harbor, and Sasebo (see Table 5-128).

Table 5-128. NLSO Pacific respondents

Employment Status	Civilian	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Grand Total
Administrative	5			5
Defense Counsel			9	9
Enlisted - Executive		1		1
Enlisted - Instructor		1		1
Enlisted - Legalmen		7		7
Executive			5	5
Legal Assistance Attorney	2		6	8
Paralegal	3			3
Grand Total	***10***	***9***	***20***	***39***
Actual NLSO Total	***10***	***12***	***20***	***42***

Overall, the response rate for the workload survey was very high. From Table 5-129, we note that approximately 93 percent of all the NLSO personnel at all offices completed at least 1 day of the workload diary. The lowest response was from the enlisted community. However, 1 enlisted person was in IA status and could not take the survey. Thus, their actual response rate is a little higher. We actually had an overcount of officer responses. All 20 of 20 officers responded, although, according to the same billet file, 1 officer was in IA status. The CO of NLSO Pacific tells us that a reservist who was drilling at NLSO Pacific filled out a workload survey, which accounts for the extra officer. We conclude that the overall response rate was sufficiently high to believe that data represent the actual work done at the command.

We also note that all of the employee types for officer, civilian, and enlisted are largely composed of attorneys and other legal professionals. Even so, these NLSOs have much larger administrative and executive staffs than many other NLSOs we have examined.

Table 5-129. NLSO Pacific average hours worked by employment status

Current employment status	Total Hours	Total Personnel Reporting	Average Work-week	Average Days Worked	Average Workweek (Adjusted)
Civilian	756	10	37.8	9.4	40.2
Enlisted (including active duty or reserve)	696.5	9	38.7	10.3	38.7
Officer (including active duty or reserve)	1,852.5	20	46.3	10.2	46.3
Total Hours	***3,305***	***39***	***42.4***	***10.0***	***42.4***

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. While some research has shown a weak tie between long hours and stress-related problems (low morale at the workplace, health problems, etc.), our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing.

The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. If the personnel type worked more than 5 days per week, we made no adjustment and assumed that this represented a typical week. These results are in Table 5-130.

As we can see, the officers had the longest workweek even after adjustments were made. They were followed by the civilian and the enlisted personnel, each working about 40 hours per week. In sum,

we conclude that, while the officers seem to be experiencing a slight level of stress, the rest of the command is not.

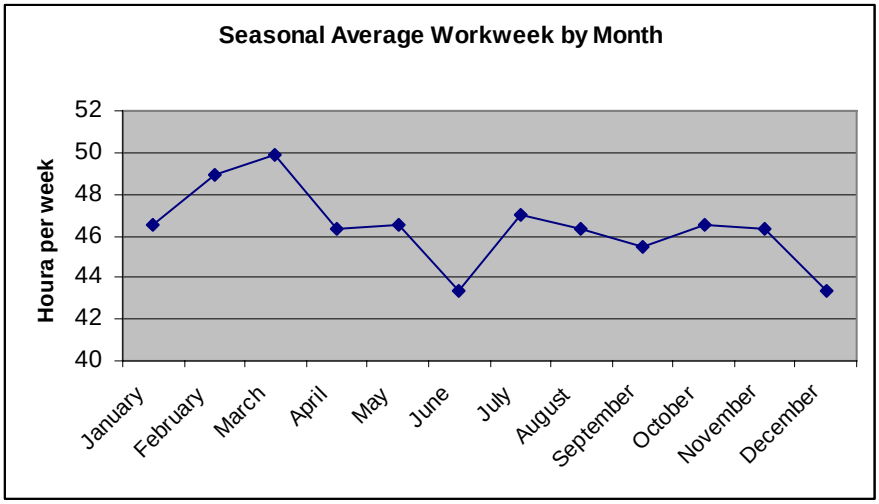
Table 5-130. Distribution of hours by task (officers only)—NLSO Pacific

NLSO Pacific Officer Table	Ad-min	Exec/ Exec Spt	Instruc-tor	Legal	Other	Res Mgmt	Secu-rity	Tax	Training	Trav-el	Grand Total
Defense Counsel	84.5	19.5	13	402	273			1	17	20.5	830.5
Executive	61.5	98.5	1.5	42.5	210.5	1.5	2		22	60.5	500.5
Legal Assist. Attorney	57.5	38.5	2.5	256	145.5			9.5	9.5	2.5	521.5
Total Hours	203.5	156.5	17	700.5	629	1.5	2	10.5	48.5	83.5	1,852.5

Seasonality

We also looked at the estimated monthly hours worked by the civilian and military personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-13 shows a slump in activity in June that rebounds only to fall again in December. The 2 weeks in which we collected data represent about 3 hours less than the entire yearly average. Conversations with JAG officers indicate that the driving factor behind this phenomenon is that many uniformed personnel make a permanent change of station (PCS) in the June time frame. We conclude that our survey data are slightly underrepresentative of an average month by about 3 hours.

Figure 5-13. Seasonal workweek by month

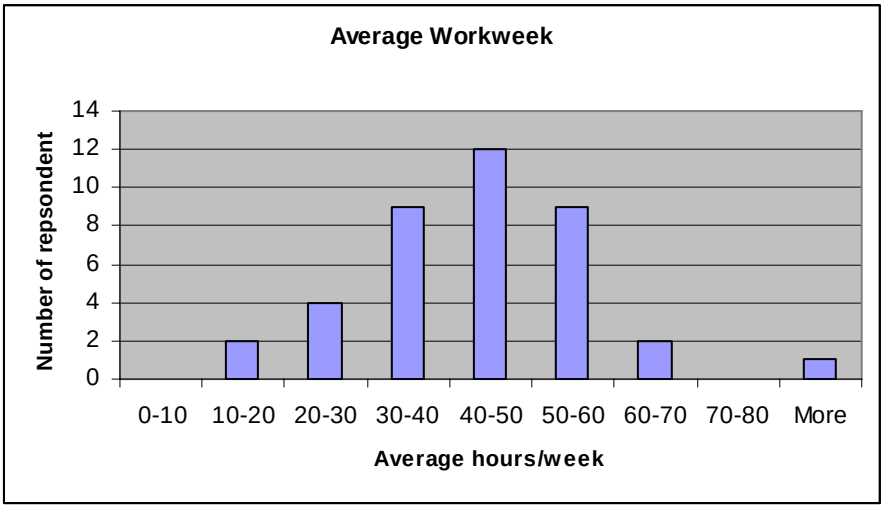


Employees who work over 50 hours per week

The unadjusted average workweek for the NLSOs was 42.4 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time.

Figure 5-14 offers a more complete picture of hours worked per employee. Specifically, 24 of 39 employees (or 62 percent of the workforce) worked 40 plus hours per week during the survey. Further, approximately 31 percent of the workforce (i.e., 12 of 39 employees) actually worked over 50 hours on a weekly basis. Of these 12 employees, 11 were officers—including 5 defense counsel, 3 legal assistance attorneys, and 3 executive officers—whose weekly hours ranged from 60 to 80 hours. The other employee was an enlisted Sailor who worked in an executive support capacity. The rest of the command worked less than 40 hours per week. From these data, we conclude that most staff members are not very stressed.

Figure 5-14. Total unadjusted hours worked during the 2-week reporting period (n = 39)



Indicators that the workforce is cross-tasked too much

Table 5-131 through Table 5-135 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to

fill in) or of a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-132 that, of the total hours worked during the 2-week diary, only 38 percent (700.5/1,852.5) were related to legal tasks. For all types of employees, "other" tasks accounted for a very large amount of worker hours. This indicates that the officers, especially the executives, spend a great deal of their time doing some other ancillary work. We also note that the SJA spent 47 percent of his time doing other ancillary tasks. The rest of the functional area tasks accounted individually for small shares of the overall hours.

The civilian community, half of whom identified themselves as administrative employees, spent only 30 percent (225.5/756) of their time on legal issues. A much larger percentage of their time was devoted to administrative tasks. This was true for the legal staff as well as the administrative staff.

Like the civilians, the enlisted staff, mostly composed of legalmen, spent very little time doing actual legal-related tasks. Their time was spent in large part doing administrative and other ancillary tasks.

In sum, all personnel spent a great deal of time doing work outside their specialties. In particular, relative to other NLSOs and RLSOs we have examined, there is a substantially larger amount of administrative and ancillary work that is getting done. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. Rather, it may be that the positions in these particular NLSOs naturally require a large amount of administrative and ancillary tasks to be done by legal staff.

Table 5-131. Percentage distribution of hours by task (officers only)—NLSO Pacific

NLSO Pacific Officer Table	Ad-min	Exec/ Exec Spt	Instruc-tor	Legal	Other	Res Mgmt	Security	Tax	Training	Travel
Defense Counsel	10%	2%	2%	48%	**33%**	0%	0%	0%	2%	2%
Executive	12%	20%	0%	8%	**42%**	0%	0%	0%	4%	12%
Legal Asst. Atty.	11%	7%	0%	49%	**28%**	0%	0%	2%	2%	0%

Table 5-132. Distribution of hours by task (civilian only)—NLSO Pacific

NLSO Pacific Civilian Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hum Res	In-struc-tor	IT	Legal	Mgmt/ Plans/ Man-power	Other	Res Mgmt	Train-ing	Grand Total
Administrative	185	11.5	9.5	13		3	21	1.5	28.5	62	9	344
Legal Assist. Atty.	52	5.5			14.5		67.5		22		1.5	163
Paralegal	83.5	1.5			1.5		137		22		3.5	249
Total Hours	320.5	18.5	9.5	13	16	3	225.5	1.5	72.5	62	14	756

Table 5-133. Percentage distribution of hours by task (civilian only)—NLSO Pacific

NLSO Pacific Civilian Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hum Res	In-struc-tor	IT	Legal	Mgmt/ Plans/ Man-power	Other	Res Mgmt	Train-ing
Administrative	54%	3%	3%	4%	0%	1%	6%	0%	8%	18%	3%
Legal Assist. Atty.	32%	3%	0%	0%	9%	0%	41%	0%	13%	0%	1%
Paralegal	34%	1%	0%	0%	1%	0%	55%	0%	9%	0%	1%

Table 5-134. Distribution of hours by task (enlisted only)—NLSO Pacific

NLSO Pacific Enlisted Table	Ad-min	Exec/ Exec Spt	Facil-ity	Hum Res	In-struc-tor	IT	Legal	Other	Tax	Train-ing	Trav-el	Grand Total
Enlisted - Executive	14.5	75						25.5		2		117
Enlisted - Instructor	18.5					0.5	7	22				48
Enlisted - Legalmen	103.5	25	0.5	5.5	16		242	128.5	1.5	8	1	531.5
Total Hours	136.5	100	0.5	5.5	16	0.5	249	176	1.5	10	1	696.5

Table 5-135. Percentage distribution of hours by task (enlisted only)—NLSO Pacific

NLSO Pacific Enlisted Table	Ad-min	Exec/ Exec Spt	Facility	Hum Res	Instruc-tor	IT	Legal	Other	Tax	Training	Travel
Enlisted - Executive	12%	64%	0%	0%	0%	0%	0%	22%	0%	2%	0%
Enlisted - Instructor	39%	0%	0%	0%	0%	1%	15%	46%	0%	0%	0%
Enlisted - Legalmen	19%	5%	0%	1%	3%	0%	46%	24%	0%	2%	0%

Direct versus indirect hours worked

Table 5-136 through Table 5-141 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In Table 5-137 through Table 5-142, they are shaded in grey and generally refer to such work output as budget services and human resource services.

Officers spent 1,045 hours (or about 56 percent of their total time) providing some type of legal service. The rest was spent on overhead-related services. This amount of overhead work is somewhat higher than what we have seen in other NLSO offices. Defense counsel spent about 59 percent of their time working on legal services, most of which were related to military justice. The legal assistance attorneys spent about 55 percent of their time providing actual legal services, most of which were related to legal assistance.

Civilians spent 403.5 hours (or 53 percent of their time) doing legal work, mostly in their related fields. The five administrative personnel were responsible for the high level of overhead work done. The legal assistance attorneys and paralegals spent most of their legal hours doing legal assistance.

The enlisted personnel spent 414 hours (or 59 percent of their total time) doing legal work, most of which was related to legal assistance.

In sum, when looking at how the NLSO personnel spend their time doing tasks in support of the various services and products they create, it is clear that these NLSOs spend a much larger share of time doing non-legal services. This is true for both the uniformed and the civilian staff. We are unsure why NLSO Pacific, more than most, has a large administrative workload. It may be due to the nature of military justice in foreign areas. That is, courts-martial and other related military justice legal services may require a great deal of administrative and other ancillary tasks to be done in support due to local law. This could argue that there is a need for more administrative personnel to free up the legal staff. However, the fairly low work hours recorded suggest that there is little or no stress for most of the staff.

Table 5-136. Distribution of hours across product and service areas (officers only)—NLSO Pacific

NLSO Pacific - Officer Table	Defense Counsel	Execu-tive	Legal Assistance Attorney	Total Hours
Claims			0.5	0.5
Joint Matters		1		1
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	88.5	20.5	234	343
Legal Assistance-Taxes		1	10	11
Military Justice-Administrative Separations	61.5		1	62.5
Military Justice-Courts-martial	216.5	21	12.5	250
Military Justice-Investigations	7.5		2	9.5
Military Justice-Judiciary		1.5		1.5
Military Justice-NJP	19		1	20
Military Justice-Records	0.5			0.5
Naval Justice School (NJS)	0.5	1		1.5
Other (legal services)	90	172.5	26	288.5
Public Affairs	7	3.5		10.5
Training-NJS		43.5	1.5	45
(No Area)	12		10.5	22.5
Budget/Fiscal/Comptroller/Acquisitions		1.5		1.5
Headquarters/Management/Program Analysis/Policy	6	12.5	55.5	74
Headquarters/Personnel/Pay/Travel	1	5.5	3	9.5
Other (non-legal-related services)	263.5	187.5	141	592
Other product area (e.g., security, facility management, administrative)	46.5	20.5	16	83
Training-not NJS/Other	10.5	7.5	7	25
Grand Total	***830.5***	***500.5***	***521.5***	***1852.5***

Table 5-137. Percentage distribution of hours across product and service areas (officers only)—NLSO Pacific

NLSO Pacific - Officer Table	Defense Counsel	Execu-tive	Legal Assistance Attorney
Claims	0%	0%	0%
Joint Matters	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	11%	4%	45%
Legal Assistance-Taxes	0%	0%	2%
Military Justice-Administrative Separations	7%	0%	0%
Military Justice-Courts-martial	26%	4%	2%
Military Justice-Investigations	1%	0%	0%
Military Justice-Judiciary	0%	0%	0%
Military Justice-NJP	2%	0%	0%
Military Justice-Records	0%	0%	0%
Naval Justice School (NJS)	0%	0%	0%
Other (legal services)	11%	34%	5%
Public Affairs	1%	1%	0%
Training-NJS	0%	9%	0%
(No Area)	1%	0%	2%
Budget/Fiscal/Comptroller/Acquisitions	0%	0%	0%
Headquarters/Management/Program Analysis/Policy	1%	2%	11%
Headquarters/Personnel/Pay/Travel	0%	1%	1%
Other (non-legal-related services)	32%	37%	27%
Other product area (e.g., security, facility management, administrative)	6%	4%	3%
Training-not NJS/Other	1%	1%	1%

Table 5-138. Distribution of hours across product and service areas (civilians only)—NLSO Pacific

NLSO Pacific - Civilian Table	Admin	Legal Assistance Attorney	Para-legal	Total Hours
Claims	42.5	0.5		43
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	1	122	151	274
Legal Assistance-Taxes			2	2
Military Justice-Courts-martial		0.5		0.5
Other (legal services)	11.5	9.5	56	77
Public Affairs		7		7
(No Area)	2.5		3	5.5
Budget/Fiscal/Comptroller/ Acquisitions	71			71
Headquarters/Management/ Program Analysis/Policy			13.5	13.5
Headquarters/Personnel/Pay/ Travel	9.5			9.5
IT Systems and Support	20.5			20.5
Other (non-legal-related services)	148	23.5	18.5	190
Other product area (e.g., security, facility management, administrative)	36		2	38
Training-not NJS/Other	1.5		3	4.5
Grand Total	***344***	***163***	***249***	***756***

Table 5-139. Percentage distribution of hours across product and service areas (civilians only)—NLSO Pacific

NLSO Pacific - Civilian Table	Admin	Legal Assistance Attorney	Para-legal
Claims	12%	0%	0%
Legal Assistance (e.g., immigra-tion, wills, POAs, notary, tax assistance)	0%	75%	61%
Legal Assistance-Taxes	0%	0%	1%
Military Justice-Courts-martial	0%	0%	0%
Other (legal services)	3%	6%	22%
Public Affairs	0%	4%	0%
(No Area)	1%	0%	1%
Budget/Fiscal/Comptroller/ Acquisitions	21%	0%	0%
Headquarters/Management/ Program Analysis/Policy	0%	0%	5%
Headquarters/Personnel/Pay/ Travel	3%	0%	0%
IT Systems and Support	6%	0%	0%
Other (non-legal-related services)	43%	14%	7%
Other product area (e.g., security, facility management, administrative)	10%	0%	1%
Training-not NJS/Other	0%	0%	1%

Table 5-140. Distribution of hours across product and service areas (enlisted only)—NLSO Pacific

NLSO Pacific - Enlisted Table	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legalmen	Total Hours
Administrative Law (Military Personnel Law)			3.5	3.5
JAGMAN Investigations			1.5	1.5
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)		9	152.5	161.5
Legal Assistance-Taxes		3	13.5	16.5
Military Justice-Administrative Separations			38.5	38.5
Military Justice-Courts-martial			64.5	64.5
Military Justice-NJP			2	2
Military Justice-Records			2.5	2.5
Other (legal services)		23	96	119
(No Area)			4.5	4.5
Headquarters/Management/Program Analysis/Policy	72.5			72.5
Headquarters/Personnel/Pay/Travel	38.5			38.5
IT Systems and Support		1		1
Other (non-legal-related services)	4.5	3.5	127	135
Other product area (e.g., security, facility management, administrative)	1.5	8.5	6	16
Training-not NJS/Other			19.5	19.5
Grand Total	***117***	***48***	***531.5***	***696.5***

Table 5-141. Percentage distribution of hours across product and service areas (enlisted only)—NLSO Pacific

NLSO Pacific - Enlisted Table	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legalmen
Administrative Law (Military Personnel Law)	0%	0%	1%
JAGMAN Investigations	0%	0%	0%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	0%	19%	29%
Legal Assistance-Taxes	0%	6%	3%
Military Justice-Administrative Separations	0%	0%	7%
Military Justice-Courts-martial	0%	0%	12%
Military Justice-NJP	0%	0%	0%
Military Justice-Records	0%	0%	0%
Other (legal services)	0%	48%	18%
(No Area)	0%	0%	1%
Headquarters/Management/Program Analysis/Policy	62%	0%	0%
Headquarters/Personnel/Pay/Travel	33%	0%	0%
IT Systems and Support	0%	2%	0%
Other (non-legal-related services)	4%	7%	24%
Other product area (e.g., security, facility management, administrative)	1%	18%	1%
Training-not NJS/Other	0%	0%	4%

NLSO Pacific manpower requirements—FY08 to FY10

As shown earlier in Table 5-128, the overall response rate to the survey was very high. Technically, the billet file for the NLSOs shows 20 officer positions; however, 1 was listed as an IA and was not actually working at the NLSO offices. Our data show 20 officers responding to the work diary. Thus, we have an overcount of 1 officer, which is accounted for by a drilling reservist who filled out a survey. The civilian and enlisted response was also very good.

Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first, we assume that the Navy returns to a higher, pre-2003 level

of mil-justice-related work. In the second, we assume that the Navy will continue to experience the current level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

Table 5-142 shows manpower requirements for officers under the pre-2003 scenario. For example, we note that the 9 defense counsel who completed the diary spent 216.5 hours doing GCM work. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be 1.66 higher. However, this needs to be adjusted lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 350.8 hours (1.66 x .976 x 216.5). Applying the appropriate rule for future workload to the other service areas gives us a total of 1,051.6 hours of expected work (versus the 830.5 hours recorded in the diary). However, we also need to adjust for the fact that June was a slow month for the NLSOs with a workload approximately 7 percent lower. Assuming a 50-hour workweek implies that NLSO Pacific will require about 13 (versus the current 9) trial counsel. Applying the same logic in the low case (or post-2003 scenario) yields the officer manpower requirements shown in Table 5-143. Manpower requirements under both scenarios for the enlisted and civilian components of NLSO Pacific are shown in Table 5-142 through Table 5-147.

Table 5-142. Officer manpower requirements (pre-2003 scenario) – FY08 to FY10

Fiscal Year	Defense Counsel	Executive	Legal Assist. Attorney	Total	Current Total	Difference
Total manpower required '08	13	6	6	25	20	5
Total manpower required '09	12	6	6	25	20	5
Total manpower required '10	12	6	6	25	20	5

Table 5-143. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

Fiscal Year	Defense Counsel	Executive	Legal Assist. Attorney	Total	Current Total	Difference
Total manpower required '08	10	6	6	22	20	2
Total manpower required '09	10	6	6	22	20	2
Total manpower required '10	10	6	6	22	20	2

Table 5-144. Enlisted manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legalmen	Total	Current Total	Difference
Total manpower required '08	2	1	9	11	12	-1
Total manpower required '09	2	1	9	11	12	-1
Total manpower required '10	2	1	9	11	12	-1

Table 5-145. Enlisted manpower requirements (post-2003) – FY08 to FY10

Fiscal Year	Enlisted - Executive	Enlisted - Instructor	Enlisted - Legalmen	Total	Current Total	Difference
Total manpower required '08	2	1	8	10	12	-2
Total manpower required '09	2	1	8	10	12	-2
Total manpower required '10	2	1	8	10	12	-2

Table 5-146. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Legal Assist. Attorney	Paralegal	Total	Current Total	Difference
Total manpower required '08	5	2	4	11	10	1
Total manpower required '09	5	2	4	11	10	1
Total manpower required '10	5	2	4	11	10	1

Table 5-147. Civilian manpower requirements (pre-2003) – FY08 to FY10

Fiscal Year	Admin	Legal Assist. Attorney	Paralegal	Total	Current Total	Difference
Total manpower required '08	5	2	4	11	10	1
Total manpower required '09	5	2	4	11	10	1
Total manpower required '10	5	2	4	11	10	1

NLSO Pacific summary

The current manpower strength for officers at NLSO Pacific is about right, assuming that the military justice paradigm that has existed since 2003 continues. For the officer community, there are currently 20 billets. Our calculations show that, under this scenario, 22 officers are required to manage the workload out to 2010. This is primarily due to the high hours currently worked by the officers and the fact that the Navy drawdown in total manpower, which drives military justice workload, will be very small over the next 3 years. The officer requirement increases under the pre-2003 scenario due to a substantial increase in military justice workload.

Our calculations show that the legalman requirement is slightly less under both scenarios. This was driven by a workweek that was

somewhat less than the officer community's and a 50-hour workweek requirement for uniformed personnel. The decrease in legalmen is almost matched by a slight increase in civilians under both the pre- and post-2003 scenarios.

NLSO Europe and Southwest Asia (EURSWA)

Current personnel count

The analysis for NLSO EURSWA covers the main NLSO office in Naples as well as the branch offices in Sigonella, Italy, and Bahrain. According to the Naval Legal Service Command Dashboard from June 2007, NLSO Naples has three JAG officers and two legalmen; Sigonella has one JAG officer and one legalman; and Bahrain has one JAG officer and one legalman. Table 5-148 presents a summary of the respondents, their primary functional areas, and the numbers from the Naval Legal Service Command Dashboard. In the initial data, we found one respondent who listed himself as a civilian claims technician attached to NLSO EURSWA. According to officers at NLSO EURSWA, no civilians work for NLSO EURSWA. Therefore, we removed the one civilian's data from NLSO EURSWA, and placed those responses into a different command's dataset.

Table 5-148. NLSO EURSWA respondents

Primary functional area	Enlisted (including active duty or reserve)	Officer (including active duty or reserve)	Grand total
Executive (CO, XO, etc.)		1	1
Defense Counsel (incl. some legal assistance)		3	3
Enlisted--legalman (or equivalent Marine)	4		4
Grand total	4	4	8
Actual NLSO total	4	5	9

Overall, the response rate from NLSO EURSWA for the workload survey was 8 of 9, or 89 percent, which is very good. This response rate is more than sufficient for analysis of the personnel requirements of NLSO EURSWA and is much higher than the response rates that other parts of the Navy often obtain when performing work diary surveys. For example, NAVMAC, which is responsible for requirements afloat, often obtains response rates of about 30 percent.

Table 5-149. NLSO EURSWA average hours worked by employment status

Current employment status	Total hours	Total personnel reporting	Average workweek	Average days worked	Average workweek (adjusted)
Enlisted	287.5	4	35.9	9.5	37.8
Officer	394.0	4	49.3	10.5	49.3
Total hours	681.5	8	42.6	10	42.6

Indicators of excessive workload

One indicator that the workload is greater than the workforce capacity is the amount of time worked on a weekly basis. Our primary concern was whether the workforce was correctly sized to manage the current workload. Stress in this sense is defined as a situation in which the workload is simply too great for the workforce, and a backlog of work may be developing (see Table 5-149).

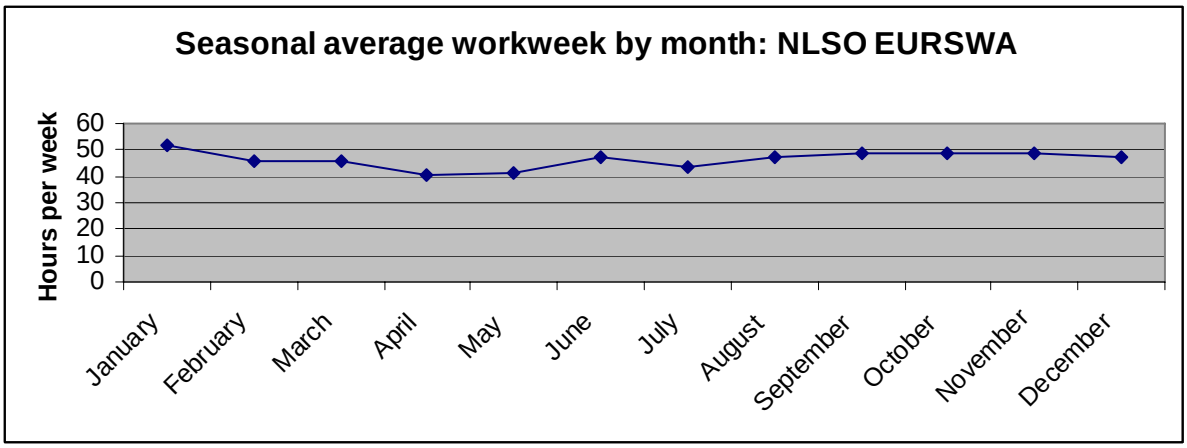
The survey collected hours worked on a daily basis for 2 weeks. During that time, some of the personnel were on leave, sick, or in some other capacity that prevented them from doing actual NLSO-related work. Thus, in examining the hours worked by employment status, we need to adjust the averages up to take this into account. To do this, we examined the average days worked as measured by the number of days in which a respondent entered at least some time. We then adjusted the raw average workweek to reflect a "typical" 5-day workweek. If the personnel type worked more than 5 days per week, we made no adjustment and assumed that this represented a typical week. These results are in Table 5-149.

As we can see, the officers had the longest workweek, even after we made adjustments that increased the hours of the enlisted personnel. Note that, on average, they worked almost 50 hours per week (49.3 hours per week). They were followed by the enlisted personnel, who were working a little less than 36 hours a week, unadjusted. The enlisted personnel's adjusted average workweek was 37.8 hours. In sum, we conclude that, while the officers seem to be experiencing some level of stress, the enlisted personnel of the command are not experiencing high stress, on average.

Seasonality

We also looked at the estimated monthly hours worked by NLSO personnel to identify seasonal trends in workload and to make sure our survey occurred during an average work month (versus a seasonal high or low). Figure 5-15 shows that there is a slight slump in activity in April and May, but the level rebounds in June. The 2 weeks in June in which we collected data are very close to the yearly average (with less than 1 hour per week difference). Thus, we conclude that our survey data are representative of an average month for the year, and there is no need to perform a seasonal adjustment on the data.

Figure 5-15. Seasonal average workweek by month for NLSO EURSWA (n = 8)



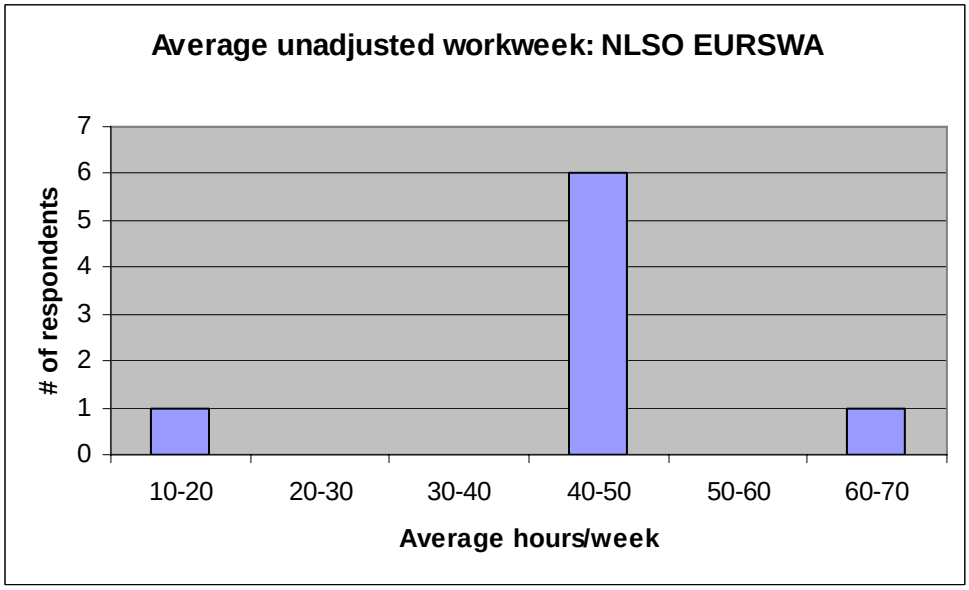
Employees who work over 50 hours per week

The unadjusted average workweek for the all employees (officers and enlisted) in NLSO EURSWA and its branch offices was 42.6 hours. However, as mentioned earlier, this included those respondents who worked less than a normal 40-hour workweek due to use of annual leave, sick leave, or comp time. Figure 5-16 offers a more complete picture of hours worked per employee. Specifically, 7 of the 8 respondents (88 percent of the respondents) worked 40 plus hours per week during the survey. One employee averaged over 60 hours over the 2-week period.

The bar for a 10-20 hour average in Figure 5-16 reflects a person who might have been part-time, sick, or in some other capacity that prevented him or her from working a full 40-hour week. Everyone

else worked over 40 hours per week during the 2-week data collection period.

Figure 5-16. Average unadjusted workweek for NLSO EURSWA (n = 8)



Indicators that the workforce is cross-tasked too much

Table 5-150 and Table 5-151 offer insights into whether the personnel are spending their time in their areas of specialty. An excessive number of hours spent outside one's area of expertise is a cause of stress in the workplace and is indicative of either a lack of personnel in some area (leading other personnel from other areas to fill in) or a possible management or organizational problem leading to workflows that require personnel to work outside their specialties. As a general rule, we highlight in bold red those cases where more than 15 percent of a person's time was spent doing tasks outside his or her specialty. Of most concern is when we see more technical personnel (lawyers, paralegals, etc.) spending large amounts of time doing administrative tasks.

Turning first to the officers, we note from Table 5-150 that, of the total hours worked during the 2-week diary, 41 percent (161/394) were related to legal tasks. Other, admin, travel, and executive/executive support also accounted for a significant amount of officer hours. This indicates that the defense counsel perform legal

work for most of their duties. However, they also spend a great deal of their time doing other work, admin, travel, or executive/executive support tasks, which shows that officers are sometimes called on to perform non-legal functions.

We should also note that a set of offices with small numbers of personnel is likely to have a higher percentage of administrative work than is a single office with a large number of personnel. When the offices are small and dispersed, everyone has to be more of a generalist, performing a variety of duties. In large single-site offices, there is more opportunity for people to specialize and to delegate administrative duties to personnel who are dedicated to performing administrative tasks. Since these personnel specialize in administrative tasks, they can perform them more efficiently, and the overall percentage of administration as a percentage of total work decreases.

Table 5-151 shows the time spent on tasks by the enlisted personnel. The largest single category of work was admin (121.0 hours, 42 percent), followed by legal work (56.5 hours, 20 percent), and other (60 hours, 21 percent). The remainder of the tasks were training (18 hours, 6 percent), executive/executive support (21.5 hours, 7 percent), facility (2.5 hours, 1 percent), human resources (1 hour), instructor (6.5 hours, 2 percent), or IT (0.5 hour).

In sum, all personnel spent some time doing work outside their specialties. However, when taken together with the moderate average workweeks, we do not conclude that this implies the need for more administrative personnel. Rather, it is probably the case that the positions in small, dispersed NLSO offices naturally require a certain amount of time to be spent doing tasks outside one's specialty. (Recall that, according to the NLSC dashboard, in June 2007 NLSO EURSWA had three separate locations, and none had more than three officers and two enlisted personnel. The other two locations had one officer and one enlisted on site.)

Table 5-150. Distribution and percentage of hours by task for officers (NLSO EURSWA)

NLSO EURSWA officer table	Admin	Executive / Executive Support	Instructor	Legal	Other	Resource Mgmt	Training	Travel	Grand Total
Defense Counsel	25.5		0.5	161.0	95.0		2.5	13.0	297.5
%	9%	0%	0%	54%	32%	0%	1%	4%	100%
Executive	19.5	34.5			38.0	2.5	1.0	1.0	96.5
%	20%	36%	0%	0%	39%	3%	1%	1%	100%
Grand Total	45.0	34.5	0.5	161.0	133.0	2.5	3.5	14.0	394.0
%	11%	9%	0%	41%	34%	1%	1%	4%	100%

Table 5-151. Distribution and percentage of hours by task for enlisted (NLSO EURSWA)

NLSO EURSWA enlisted table	Admin	Executive / Executive Support	Facility	Human Resources	Instructor	IT	Legal	Other	Training	Grand Total
Enlisted - Legalmen	121.0	21.5	2.5	1.0	6.5	0.5	56.5	60.0	18.0	287.5
%	42%	7%	1%	0%	2%	0%	20%	21%	6%	100%

Direct versus indirect hours worked

Tables 5-152 and 5-153 show what work product areas were responsible for the total level of effort during the 2-week survey period. The work product areas can be divided into two main groups. Direct labor work drivers refer to outputs that directly deal with a legal output. In the tables, the direct labor work drivers are shaded in blue and represent the types of legal products that are usually done by JAG personnel. Hours spent creating these products are considered direct labor hours. Indirect labor is the other main group of work and refers to outputs that *support* the JAG community. This could also be considered overhead. In the following tables, they are shaded in grey and generally refer to such work output as budget services and human resource services.

Officers at NLSO EURSWA spent 226.5 hours (or about 58 percent of their total time) providing some type of legal service. Defense counsel spent about 68 percent of their time working on military-justice-related issues. The executive officer (CO, XO, OIC, or Director) provided a much larger variety of duties, with 23.3 percent be-

ing legal duties. This officer spent more time performing non-legal tasks, such as budget/fiscal duties, program analysis/policy, personnel, or other duties

The enlisted personnel at NLSO EURSWA spent 165.5 hours (or 58 percent of their total time) on a wide range of legal services with the greatest portions of that number devoted to courts-martial, administrative separations, and other legal services.

In sum, when looking at how the NLSO EURSWA personnel spend their time doing tasks in support of the various services and products they create, it is clear that both the officers and enlisted are working hard on a variety of tasks, with military justice as the central product area.

Table 5-152. Distribution and percentage of hours across product and service areas (officers only)

NLSO EURSWA officer table	Defense counsel		Executive		Grand total	
Major product or service area	Hours	%	Hours	%	Hours	%
International & Operational Law	0.5	0%	0.5	1%	1.0	0.3%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	2.5	1%	0.5	1%	3.0	0.8%
Military Justice-Administrative Separations	24.0	8%		0%	24.0	6.1%
Military Justice-Courts-martial	93.5	31%	4.5	5%	98.0	24.9%
Military Justice-Investigations	19.0	6%		0%	19.0	4.8%
Military Justice-National Security Cases	1.5	1%		0%	1.5	0.4%
Military Justice-NJP	13.5	5%	1.5	2%	15.0	3.8%
Military Justice-Records	1.5	1%	0.5	1%	2.0	0.5%
Other (legal services)	46.5	16%	14.5	15%	61.0	15.5%
Training-not NJS/Other	1.0	0%	1.0	1%	2.0	0.5%
Budget/ Fiscal/ Comptroller/ Acquisitions		0%	1.5	2%	1.5	0.4%
HQ/ Mgmt./ Program Analysis/ Policy		0%	3.5	4%	3.5	0.9%
Headquarters/ Personnel/ Pay/ Travel		0%	1.0	1%	1.0	0.3%
No area specified	3.0	1%		0%	3.0	0.8%
Other (non-legal-related services)	90.5	30%	67.5	70%	158.0	40.1%
Other product area (e.g., security, facility management, administrative)	0.5	0%		0%	0.5	0.1%
Grand Total	297.5	100%	96.5	100%	394.0	100%

Table 5-153. Distribution of hours across product and service areas (enlisted)

NLSO EURSWA Enlisted table	Enlisted--legalman	
Major product or service area	Hours	%
Administrative Law (Military Personnel Law)	1.5	1.5
Military Justice-Administrative Separations	7.5	7.5
Military Justice-Courts-martial	6.0	6
Military Justice-Investigations	11.0	11
Military Justice-Judiciary	2.5	2.5
Military Justice-NJP	2.0	2
Military Justice-Records	4.0	4
Other (legal services)	94.0	94
Training-not NJS/Other	37.0	37
Headquarters/Personnel/Pay/Travel	2.0	2
No area specified	1.0	1
Other (non-legal-related services)	99.5	99.5
Other product area (e.g., security, facility management, administrative)	19.5	19.5
Grand Total	287.5	287.5

NLSO EURSWA manpower requirements—FY08 to FY10

As shown earlier in Table 5-148, the overall response rate to the survey was high: 8 of 9 personnel (89 percent) completed the work diary. The rate was highest for the enlisted (4/4, or 100 percent), followed by the officers (4/5, or 80 percent). There are no civilians belonging to NLSO EURSWA.

Recall from chapter 3 that we developed a series of rules for estimating the future workload based on data supplied to us by OJAG or by interviews with Navy personnel. Using these rules, we calculated the required future workload hour requirement under two scenarios. In the first scenario, we assume that the Navy returns to a higher, pre-2003 level of mil-justice-related work. In the second scenario, we assume that the Navy will continue to experience the current (post-2003) level of mil-justice-related work for the foreseeable future. These two scenarios represent a range within which lies the appropriate manpower requirement.

Officer requirements are in Table 5-154 and Table 5-155. We note that the 3 defense counsel who completed the diary spent 93.5 hours performing work related to courts-martial. In the pre-2003 scenario, due to a return to a higher per capita level of GCMs, the total expected hours devoted to doing this work for 2008 would be

1.66 higher. However, first this needs to be adjusted by 5/4, or 1.25, to correct for the fact that 1 officer out of 5 did not answer the survey. So (93.5*1.25) is 116.9. This needs to be lower to factor in the 2-percent decline in total Navy personnel. As a result, the total expected workload for 2008 is 190.2 hours (1.66 x .98 x 116.9). Applying the appropriate rule for future workload to the other service areas gives us an overall total of 551.9 hours of expected work (versus the 297.5 hours recorded in the diary). Assuming a 50-hour workweek implies that NLSO EURSWA will require about 6 defense counsel. When we add the 1 executive officer (CO, XO, Director, OIC) at NLSO EURSWA, that gives a total of 7 officers—2 more than the current number. The requirement for the lower, post-2003 scenario is different: Only 4 defense counsel are required, and 1 executive officer (CO, XO, Director, OIC) for a total of 5 officers—exactly the number of officers currently at NLSO EURSWA.

We caveat these results by reiterating that, in both scenarios, these numbers represent the *minimum* required personnel. Manpower requirements for the enlisted component of NLSO EURSWA are also shown in the following tables (Table 5-156 through Table 5-157). The same caveats apply.

Table 5-154. Officer manpower requirements (pre-2003 scenario – FY08 to FY10

NLSO EURSWA officers	Defense Counsel	Executive Officer (CO, XO, OIC, or Director)	Total officer requirement	Difference from current (5)
Total personnel required '08	6	1	7	+2
Total personnel required '09	6	1	7	+2
Total personnel required '10	6	1	7	+2

Table 5-155. Officer manpower requirements (post-2003 scenario) – FY08 to FY10

NLSO EURSWA officers	Defense Counsel	Executive Officer (CO, XO, OIC, or Director)	Total officer requirement	Difference from current (5)
Total personnel required '08	4	1	5	0
Total personnel required '09	4	1	5	0
Total personnel required '10	4	1	5	0

Table 5-156. Enlisted manpower requirements (pre-2003) – FY08 to FY10

NLSO EURSWA enlisted	Enlisted – Legalmen	Total enlisted requirement	Difference from current (4)
Total personnel required '08	4	4	0
Total personnel required '09	3	3	-1
Total personnel required '10	3	3	-1

Table 5-157. Enlisted manpower requirements (post-2003) – FY08 to FY10

NLSO EURSWA enlisted	Enlisted - Legalmen	Total enlisted requirement	Difference from current (4)
Total personnel required '08	3	3	-1
Total personnel required '09	3	3	-1
Total personnel required '10	3	3	-1

NLSO EURSWA summary

The current manpower strength for officers at NLSO EURSWA is 5, and 4 of them completed the diary. According to the NLSC Command Dashboard, NLSO EURSWA had no officers or enlisted out on IAs in June 2007, the time of the work diary. The average workweek for officers at NLSO EURSWA—49.3 hours—is certainly an indication of some stress among the officers. Our calculations show that, if the current paradigm for mil-justice-related work continues (post-2003), NLSO EURSWA will require 5 officers, for a net increase of 0—that is, no change. If the paradigm shifts back to the pre-2003 scenario, however, the officer requirement increases to about 7, for a net increase of 2 officers.

There are currently 4 enlisted personnel at NLSO EURSWA. Using the same requirements logic for the enlisted personnel yields the following results. If the current paradigm (post-2003 workload) continues, the enlisted requirement decreases to 3, for a net decrease of 1. For the pre-2003 scenario, the enlisted requirement is also 4 (for no net increase or decrease).

Summary and discussion

Work products and services of NLSOs

Table 5-158 summarizes the work performed at the eight NLSOs during the data collection period. We can see that during those 2 weeks JAG employees logged 24,758.5 hours. The preponderance of time, 17,840.5 hours (72.1 percent), was spent delivering some kind of legal product or service. Of this, 5,715.0 hours were spent in one of the seven areas of military justice (administrative separations, courts-martial, investigations, judiciary, National Security Cases, non-judicial punishment (NJP), or records).

Looking first in the total column, we can see that the largest single product area for NLSOs, across all personnel types, is legal assistance: Personnel logged a total of 6,838.5 hours—27.6 percent of all hours logged at NLSOs. Civilians and enlisted personnel spent more time on legal assistance than on any other product or service area. However, officers' largest share of time is in courts-martial (3,236.5 hours, 22.7 percent of all officer hours logged). All told, four broad categories make up about 81 percent of NLSO workload:

- Legal assistance—27.6 percent
- Military justice—23.1 percent
- Other (non-legal services)—18.9 percent
- Other (legal services)—11.7 percent.

The rest of the product areas account for relatively small percentages of total time worked at the NLSOs. One large category is training, both NJS training and other training, which together accounted for about 4.2 percent of total hours at the NLSO. Legal assistance with taxes accounted for 1.3 percent of total hours spent.

In the non-legal categories, the largest amounts of time were spent on HQ/Management/Program Analysis/Policy (2.3 percent of total time), other product areas (3.6 percent of total time), Budget/Fiscal/Comptroller/Resources (0.9 percent of total time), HQ/Personnel/Pay/Travel (0.8 percent of total time), and IT Systems and Support (0.2 percent of total time).

Table 5-158. Combined NLSO product and service area hours (2-week sample)

NLSOs-total products/services	Civilians		Enlisted (non-LIMDU)		LIMDU		Officers		Total	
	Hours	%	Hours	%	Hours	%	Hours	%	Hours	%
Administrative Law (Ethics)	0.0	0.0	14.5	0.4	4.0	0.2	**89.0**	0.6	107.5	0.4
Administrative Law (Military Personnel Law)	0.0	0.0	31.0	0.9	30.0	1.6	**32.0**	0.2	93.0	0.4
Administrative law--misc	0.0	0.0	0.0	0.0	11.5	0.6	**15.0**	0.1	26.5	0.1
Admiralty	0.0	0.0	0.0	0.0	8.5	0.4	1.5	0.0	10.0	0.0
Claims	**299.0**	5.8	0.0	0.0	0.0	0.0	71.5	0.5	370.5	1.5
Environmental Law (Operational)	14.5	0.3	8.0	0.2	0.0	0.0	**36.5**	0.3	59.0	0.2
General Litigation	7.0	0.1	0.0	0.0	0.0	0.0	**87.0**	0.6	94.0	0.4
International & Operational Law	4.5	0.1	0.0	0.0	0.0	0.0	**27.0**	0.2	31.5	0.1
JAGMAN Investigations	1.5	0.0	4.0	0.1	0.0	0.0	**22.5**	0.2	28.0	0.1
Joint matters	0.0	0.0	4.0	0.1	0.0	0.0	**19.0**	0.1	23.0	0.1
Law of War	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0	0.0
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	2,404.0	46.4	730.0	21.5	927.0	48.8	**2,777.5**	19.4	6,838.5	27.6
Legal Assistance-Taxes	2.0	0.0	41.0	1.2	**194.0**	10.2	72.5	0.5	309.5	1.3
Military Justice-Administrative Separations	62.5	1.2	185.0	5.4	32.5	1.7	**1,196.0**	8.4	1,476.0	6.0
Military Justice-Courts-martial	129.5	2.5	194.5	5.7	74.5	3.9	**3,236.5**	22.7	3,635.0	14.7
Military Justice-Investigations	0.0	0.0	25.5	0.8	0.0	0.0	**140.0**	1.0	165.5	0.7
Military Justice-Judiciary	0.0	0.0	13.0	0.4	0.0	0.0	**19.0**	0.1	32.0	0.1
Military Justice-National Security Cases	0.0	0.0	0.0	0.0	0.0	0.0	**5.0**	0.0	5.0	0.0
Military Justice-NJP	123.0	2.4	39.0	1.1	10.5	0.6	**185.5**	1.3	358.0	1.4
Military Justice-Records	13.0	0.3	9.5	0.3	0.5	0.0	**20.5**	0.1	43.5	0.2
Misc (arms control, etc.)	6.5	0.1	1.0	0.0	0.0	0.0	**7.5**	0.1	15.0	0.1
Naval Justice School (NJS)	0.0	0.0	0.0	0.0	0.0	0.0	**186.5**	1.3	186.5	0.8
Other (legal services)	516.5	10.0	758.5	22.3	194.0	10.2	**1,418.0**	9.9	2,887.0	11.7
Public Affairs	1.5	0.0	0.0	0.0	1.0	0.1	**21.5**	0.2	24.0	0.1
Tort Litigation	0.5	0.0	0.0	0.0	0.0	0.0	0.5	0.0	1.0	0.0
Training-NJS	2.0	0.0	1.0	0.0	1.0	0.1	**331.5**	2.3	335.5	1.4
Training-not NJS/Other	75.5	1.5	109.5	3.2	4.0	0.2	**495.5**	3.5	684.5	2.8
(No Area)	35.0	0.7	84.5	2.5	5.0	0.3	**186.0**	1.3	310.5	1.3
Budget/Fiscal/Comptroller/Acquisitions	**209.0**	4.0	0.0	0.0	0.0	0.0	13.5	0.1	222.5	0.9
Headquarters/Management/Program Analysis/Policy	36.5	0.7	96.5	2.8	3.0	0.2	**435.5**	3.0	571.5	2.3
Headquarters/Personnel/Pay/Travel	13.0	0.3	52.0	1.5	0.0	0.0	**140.0**	1.0	205.0	0.8
IT Systems and Support	13.0	0.3	2.0	0.1	**18.5**	1.0	6.5	0.0	40.0	0.2
Other (non-legal-related services)	912.0	17.6	925.5	27.3	223.5	11.8	**2,625.0**	18.4	4,686.0	18.9
Other product area (e.g., security, facility management, administrative)	294.0	5.7	66.5	2.0	158.0	8.3	**364.0**	2.5	882.5	3.6
Total hours	5,175.5	100.0	3,396.0	100.0	1,901.0	100.0	14,286.0	100.0	24,758.5	100.0

You can also use Table 5-158 is to observe patterns in how each employee category spends its time. The largest contributor to each product or service is in **boldface**. Officers are the major contributor of hours in most categories of NLSO work because of the longer workweeks they log. For officers, the biggest categories of work hours are military justice–courts-martial, 22.7 percent; other non-legal-related services, 18.4 percent; other legal services, 9.9 percent; and military justice–administrative separations, 8.4 percent.

The pattern is different for civilian personnel. Their biggest categories of work hours include legal assistance (46.4 percent), other non-legal-related services (17.6 percent), other legal services (10.0 percent), claims (5.8 percent), and other product areas, such as security (5.7 percent) and budget/fiscal/comptroller/acquisitions (4.0 percent).

Enlisted personnel (non-LIMDUs) have a different pattern from either the officers or the civilians. For enlisted personnel at the NLSOs, the largest categories of work include other non-legal-related services (27.3 percent), other legal services (22.3 percent), and legal assistance (21.5 percent). Other categories of non-LIMDU personnel work are much smaller, such as courts-martial (5.7 percent), administrative separations (5.4 percent), training—not NJS/other (3.2 percent), and HQ/Management/Program Analysis/Policy (2.8 percent).

The results for LIMDUs are different from the other categories of workers. They spent 48.8 percent of their work time on legal assistance, 11.8 percent on non-legal-related services, and 10 percent of their time on providing legal assistance with taxes. The amount of time spent on taxes would probably have been larger if we had collected data in March, April, and May.

Personnel requirements of NLSOs

Table 5-159 summarizes the personnel requirement results for NLSO officers. It shows the eight NLSOs, sorted by the average hours worked per week. In general, NLSOs with higher average work hours had higher requirements. As the table shows, there is a large difference between the personnel requirements of the NLSOs, depending on whether one chooses to assume that the JAG Corps

military justice workload will return to the levels before 2003 (high pre-2003 scenario) or will continue at the levels seen in recent years (low post-2003 scenario). If one assumes that the levels of military justice return to pre-2003 levels, the NLSOs will require an increase of 49 JAG Corps personnel (a 29.0-percent increase). If one assumes that the military justice workload will remain at the current post-2003 levels, the NLSOs will require very similar personnel to what they have today—for a total increase of 4 officers (an increase of 2.4 percent).

Table 5-159. NLSO officer requirements by location

	Officer characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
NLSO	Officer average hours/ week	Officer adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change from current	Low reqt	Difference low reqt	% change from current
North Central	54.3	54.3	27	35	8	29.6%	29	2	7.4%
Southwest	53.4	53.4	35	47	12	34.3%	36	1	2.9%
Central	53.0	53.0	19	29	10	52.6%	21	2	10.5%
EURSWA	49.3	49.3	5	7	2	40.0%	5	0	0.0%
Midlant	50.4	50.4	28	36	8	28.6%	28	0	0.0%
Southeast	47.0	47.0	20	22	2	10.0%	17	-3	-15.0%
Pacific	46.3	46.3	20	25	5	25.0%	22	2	10.0%
Northwest	45.7	45.7	15	17	2	13.3%	15	0	0.0%
TOTAL	50.7	50.7	169	218	49	29.0%	173	4	2.4%

We should keep in mind several caveats about these personnel requirements as they have been computed. These requirements are minimum requirements; the JAG Corps could choose to provide a larger number of personnel at these locations for a number of legitimate reasons. One legitimate reason would be if a NLSO had a large number of small locations that required at least one person on site. These small outposts might sometimes have less than a full workload for a single person but at other times require the services of several personnel. Since you cannot place less than one person in a location, NLSOs with a number of small outposts will necessarily be less efficient than NLSOs with large concentrations of legal personnel. Another legitimate reason for a larger number of personnel would be if there were known plans for expansions that will require

additional legal personnel—for instance, plans for the fleet to transfer more Sailors to a particular location due to BRAC.

We next turn our attention to the combined results for enlisted personnel, shown in Table 5-160.This table is sorted in decreasing order of average enlisted hours As you can see, there is a difference between the results of the two scenarios. If legal workload returns to the rate it was before 2003, there would need to be 4 fewer enlisted personnel than at present—a decrease of 7.0 percent from the current numbers. However, if workload remains at the post-2003 level, the requirement would be for 8 fewer enlisted personnel—a decrease of 14.0 percent from the current numbers. For most of the NLSO locations, both the high and low scenarios call for small decreases in the number of enlisted personnel.

Table 5-160. NLSO enlisted requirements by location (non-LIMDU)

	Enlisted characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
NLSO	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Southwest	41.4	42.7	11	13	2	18.2%	12	1	9.1%
Central	40.1	42.2	6	7	1	16.7%	6	0	0.0%
Northwest	38.8	45.1	7	6	-1	-14.3%	6	-1	-14.3%
Midlant	31.1	39.3	8	7	-1	-12.5%	7	-1	-12.5%
Southeast	36.0	39.1	6	4	-2	-33.3%	4	-2	-33.3%
Pacific	38.7	38.7	12	11	-1	-8.3%	10	-2	-16.7%
EURSWA	35.9	37.8	4	4	0	0.0%	3	-1	-25.0%
North Central	19.8	28.2	3	1	-2	-66.7%	1	-2	-66.7%
TOTAL	35.2	39.1	57	53	-4	-7.0%	49	-8	-14.0%

Why are the requirements for enlisted personnel so much lower than they were for the officers? The major reason for the lower enlisted requirements is that enlisted personnel simply do not work as many hours, on average, as the officers do. When we divide the hours by the same factor (we used a 50-hour workweek), it is certain that enlisted personnel will not fare as well as the officers. Another

reason that the enlisted requirements are lower has to do with the distribution of the workload for enlisted. Enlisted personnel had a higher percentage of their time in legal assistance and legal assistance–taxes, which are expected to decrease slightly as the population of Sailors decreases in coming years. However, officers had a higher percentage of their time in courts-martial, training, and administrative separations. These are areas of work that might bounce back to higher levels if legal work returns to the pre-2003 assumptions about military justice workload.

We next turn our attention to the civilians, shown in Table 5-161, which has the requirements for civilian personnel using a 40-hour workweek. This table is sorted by average civilian hours. Once again, we see a difference in personnel requirements, depending on whether one assumes a pre-2003 military justice workload or a post-2003 military justice workload. In the pre-2003 (higher) scenario, the total number of civilians required would be exactly the same as those on board at the NLSOs now, although some sites would gain and some would lose civilians. In the low (post-2003) scenario, there would be a total loss of 5 civilians—a loss of 5.5 percent from the current number.

Table 5-161. NLSO civilian requirements by location (40-hour workweek)

	Civilian characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
NLSO	Civilian average hours/ week	Civilian adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Southeast	41.3	42.5	13	15	2	15.4%	15	2	15.4%
Northwest	38.7	42.0	11	11	0	0.0%	11	0	0.0%
Central	34.2	41.8	11	9	-2	-18.2%	7	-4	-36.4%
Southwest	32.4	41.0	14	14	0	0.0%	13	-1	-7.1%
Pacific	37.8	40.2	10	11	1	10.0%	11	1	10.0%
Midlant	34.0	39.1	13	15	2	15.4%	13	0	0.0%
North Central	29.1	36.4	19	16	-3	-15.8%	16	-3	-15.8%
EURSWA	N/A	N/A	0	N/A	N/A	N/A	N/A	N/A	N/A
TOTAL	35.4	40.4	91	91	0	0.0%	86	-5	-5.5%

Note that, even though these requirements are lower than those for officers, they are not as low as the requirements for enlisted personnel. This is partly because we applied a 40-hour workweek

standard for civilians, as opposed to the 50-hour workweek used in setting enlisted requirements.

In conclusion, we have described, in detail, the workload of the officers, enlisted, and civilian personnel in the NLSOs (refer back to Table 5-158). The two major factors in determining whether this workload leads to an increase or decrease in future workload requirements are (1) the number of hours per week that personnel are currently working (employees who are working long hours might need additional personnel to help with the workload) and (2) whether one believes that the per capita demand for military justice returns to what is was before 2003 (pre-2003 scenario) or will remain at current (post-2003) levels.

Under both the high and the low scenarios, the total requirement for officers at NLSOs is higher than the numbers currently there. Under the assumption of pre-2003 workload, the increase in requirement is fairly large—an increase of 49 officers, or 29.0 percent. In contrast, our computations show small decreases in the number of enlisted personnel required. Decreases range from 4 personnel (7 percent) using pre-2003 assumptions to 8 personnel (14.0 percent) using post-2003 assumptions. Results for civilians show a decrease of 5 (5.5 percent) civilians using post-2003 assumptions. In contrast, if the amount of mil-justice work returns to pre-2003 levels, the requirement for civilians will remain unchanged from the current numbers.

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Chapter 6. Summary of Part I: RLSO and NLSO results

Goals of this study

The JAG Corps has been transforming its operations and strategies as part of its long-term strategic plan, JAG Corps 2020 [1]. In addition, it has been under pressure in recent years to expand its commitments to operational and staff duties for contingencies, such as those in Iraq, Afghanistan, the Horn of Africa, and Guantanamo Bay. At the time of this report, 144 JAG Corps personnel—officers, enlisted, active, and reservists—were serving in duty stations around the world. These billets, usually resourced by means of Individual Augmentees (IAs), represent a large and difficult-to-predict drain on the Navy legal community's ability to estimate its personnel requirements.

The Judge Advocate General of the Navy (the JAG) would like to determine if the JAG Corps—including officers, enlisted, civilians, and reservists—has enough personnel, and the right kind of personnel, to fulfill its many essential missions, both now and in the future. He asked CNA to perform several tasks to assist in making these determinations, and to plan for the future transformation of the JAG Corps. The JAG Corps Functional Analysis Study was initiated to address these tasks:

- Task 1 requests CNA to document the work performed by JAG Corps personnel—officers, enlisted, civilians, and reservists.
- Task 2 directs CNA to incorporate the data on work output and to calculate the JAG Corps' future personnel requirements.

This report (Part I) documents the results of tasks 1 and 2 for RLSOs and NLSOs. Part II will provide results for other locations.

High-level interviews

An important first step in determining present and future workload (task 1) and personnel requirements (task 2) is to obtain the perspective of the clients: What work are they requesting? Are they satisfied with the services they are receiving? How do they view the future? We interviewed high-level decision-makers in the Navy to determine what legal issues are most important to Navy leadership, where there are legal areas of growing concern or interest, and what they see as important arguments for growth or reduction in the size of the Navy's legal force.

For the interviews, we wanted to get the highest-level perspectives of Navy decision-makers. The list of interviewees shows good breadth, including leaders of commands within the Naval Air Warfare, Naval Surface Warfare, Undersea Warfare, Network Warfare, and Expeditionary Warfare enterprises. The respondents reflected all stages of a flag-level career, from one-star to four-stars.

Although the high-level Navy decision-makers had divergent opinions on many topics, there were a number of important themes from the high-level interviews that we conducted.

Our first question asked whether the flag officer was satisfied with his or her current level of service from the Navy legal community. For the most part, flag officers felt satisfied with their current level of service, especially when they spoke about their own Staff Judge Advocate. The overwhelming majority of Navy leaders were very pleased with their level of service from the JAG Corps, but there were exceptions that should be noted. Those officers who were unhappy with their level of service said that they wanted a JAG Corps officer on site, not at some remote location.

Our second question asked whether there was a baseline level of legal services that the Navy needed. The flag officers all agreed that there was a minimum level of service required from the JAG Corps,

and that there was a need for uniformed personnel, not civilians, in the following areas:

- Operational Law issues, such as rules of engagement, freedom of navigation, and rules for the use of deadly force
- Operational Environmental Law, including oil spills, ocean dumping, and marine mammal issues
- Military Justice—prosecuting criminal cases and defending Navy Sailors.

In our third question, we asked whether legal assistance could be civilianized. All of the admirals felt that some level of legal assistance for Sailors was important, especially the provision of wills and powers of attorney before deployment. However, there was considerable disagreement concerning whether it was important for legal assistance to be provided by a uniformed person.

Our fourth area of inquiry was about whether there was a need for more billets in the areas of international and operational law. The consensus was that international and operational law were growing areas, although the admirals did not pinpoint the exact number of new billets that needed to be added.

In our fifth question, we asked Navy leaders whether they wanted more JAG Corps officers to have environmental law expertise. The admirals answered that they thought this was an area of growing importance to the Navy. Furthermore, they felt that there was a need for uniformed military officers to perform operational environmental law, although it was unclear how many new environmental law positions would be needed in the future.

Our sixth question asked the Navy leaders whether they would like to see greater civilianization of legal assets, and whether there are legal functional areas that should be set aside for civilians and civilian paralegals/support personnel. The admirals had a wide range of opinions on these questions.

In summary, the interviews with high-level Navy officers provided several important pieces of information that could not have been obtained any other way. The interviews were essential for providing background concerning the how and why of determining force re-

quirements. In general, the Navy leaders felt that it is necessary to measure the work that is being done in order to determine force requirements. They showed what types of policy options concerning the size of the JAG Corps would be acceptable to high-level Navy decision-makers, illustrated the criteria that should be used in deciding on the size of the JAG Corps, indicated what sorts of services are negotiable in terms of levels of service, and specified what sorts of legal risks are acceptable to Navy decision-makers.

However, the interviews did not provide solid guidance on just how many JAG Corps officers, enlisted, and civilians were required. To determine personnel requirements, we needed to collect quantitative data on the types and amounts of work performed by Navy JAG Corps officers, enlisted, and civilians.

Data and methodology

To determine the JAG Corps' requirements, we designed, with OJAG, an online survey that asked JAG Corps active duty officers, enlisted, and civilians to complete a 2-week workload diary of how they spent their time in different work functions. They also reported the seasonality of their work. This dataset allowed us to describe each organization's work environment. In addition, we asked personnel about the primary functions they served and their work drivers.

Analysis methodology

Current employee count

Using the information reported by the job employees and official Navy data files describing the manning of each job specialty, we identified the total number of employees under each major functional job area. This count shows the distribution of personnel to these job categories for each OJAG organization. In all cases, our onboard count was very close to the actual onboard strength provided to us by the Navy's official personnel files.

Stress on the current workforce as indicated by hours worked

The number of hours worked is the unit we use in this study to identify workload. One indicator that the workload is greater than the workforce capacity is the number of hours worked on a weekly basis. Previous research shows that extended lengthy workweeks can lead to a stressed workforce. On one hand, long work hours are indirectly related to various health and personal relationship problems. On the other hand, long workweeks are more directly related to the ability to get the job done and are a sign that the workload is greater than the capacity of the current workforce [2].

For the purpose of this study, we define stress as a situation in which there is more work than can be currently managed by the workforce without the use of additional or overtime hours. For example, a workweek greater than 35 hours (which is the federal employee available rate of 1,740 hours yearly, [2]) and less than 40 hours would indicate only slight stress (probably little need for additional personnel), 40 to 50 hours would be modest stress (probably a need for more personnel and a possible backlog developing), and greater than 50 hours suggests that there is severe stress (workforce very much needs more personnel and is probably developing a backlog). For this study, we applied a 40-hour standard workweek for civilians and a 50-hour standard workweek for military personnel (officer and enlisted) in making our calculations.

Determining future manpower requirements

As mentioned earlier, with the help of OJAG, we developed several categories of work outputs that were incorporated into the survey. Specifically, JAG personnel were asked to define what task they were doing and what output category (or product/service area) the task supported. For example, a JAG employee might have indicated in his workload diary that he spent 1 hour doing "Evidence administration" (a task) in support of "Military Justice – Courts Martial" (a product or service area).

To define future requirements, we need to determine what drives the workload in a particular product or service area and forecast the future workload in terms of hours. In some cases, OJAG provided us with historical data that we used to develop "rules" for forecasting

future workload. In other cases, there were few or no data available, and we were forced to create rules based on a consensus developed from meetings with senior leaders at OJAG. In some cases where historical data were available, but were suggestive of varying trends, we developed a high scenario and a low scenario.

Results

Region Legal Service Offices (RLSOs)

Workload

Table 1 shows the total workload of the RLSOs, divided by the type of personnel that performs each category of work.

Table 1. Combined RLSO product and service areas (two-week sample)

Product or Service Area	Civilians		Enlisted		LIMDU		Officer		Total	
	Hours	%	Hours	%	Hours	%	Hours	%	Hours	%
Administrative Law (Ethics)	146.5	1.7	12.0	0.2	6.0	0.4	**348.0**	2.5	512.5	1.6%
Administrative Law (Military Personnel Law)	55.0	0.6	46.5	0.7	96.5	6.8	**468.5**	3.3	666.5	2.1%
Administrative Law (Misc-prof resp, directive/instr review, FOIA/PA, etc)	**376.0**	4.4	27.5	0.4	25.5	1.8	263.0	1.9	692.0	2.2%
Admiralty	0.0	0.0	0.0	0.0	0.5	0.0	**10.0**	0.1	10.5	0.0%
Claims	**336.5**	3.9	15.0	0.2	2.5	0.2	64.5	0.5	418.5	1.3%
Environmental Law (Installation)	17.0	0.2	0.0	0.0	4.0	0.3	**165.0**	1.2	186.0	0.6%
Environmental Law (Operations)	0.0	0.0	0.0	0.0	0.0	0.0	**31.5**	0.2	31.5	0.1%
General Litigation	89.0	1.0	1.5	0.0	1.0	0.1	**126.0**	0.9	217.5	0.7%
International & Operational Law	**154.5**	1.8	5.5	0.1	2.0	0.1	145.5	1.0	307.5	1.0%
International Agreements	**215.0**	2.5	1.0	0.0	5.0	0.4	49.0	0.3	270.0	0.9%
JAGMAN Investigations	146.5	1.7	31.0	0.4	0.0	0.0	**301.5**	2.1	479.0	1.5%
Joint Matters	77.5	0.9	3.0	0.0	3.5	0.2	**85.0**	0.6	169.0	0.5%
Law of War	1.5	0.0	0.0	0.0	0.0	0.0	**18.0**	0.1	19.5	0.1%
Legal Assistance (e.g., immigration, wills, POAs, notary, tax assistance)	**392.0**	4.5	278.0	3.9	29.0	2.0	326.0	2.3	1,025.0	3.3%
Legal assistance (taxes)	0.0	0.0	**20.0**	0.3	0.0	0.0	9.0	0.1	29.0	0.1%
Military Justice-Administrative Separations	336.0	3.9	**1,018.0**	14.3	69.5	4.9	388.0	2.7	1,811.5	5.8%
Military Justice-Courts-martial	1,206.5	14.0	995.5	13.9	177.5	12.5	**3,222.5**	22.7	5,602.0	17.9%
Military Justice-Investigations	53.0	0.6	103.0	1.4	9.5	0.7	**579.5**	4.1	745.0	2.4%
Military Justice-Judiciary	139.5	1.6	16.5	0.2	10.0	0.7	2.0	0.0	168.0	0.5%
Military Justice-National Security Cases	0.0	0.0	0.0	0.0	0.0	0.0	4.0	0.0	4.0	0.0%

Military Justice-NJP	59.0	0.7	**451.0**	6.3	13.5	0.9	207.0	1.5	730.5	2.3%
Military Justice-Records	31.0	0.4	133.0	1.9	9.5	0.7	**133.5**	0.9	307.0	1.0%
Miscellaneous (Arms Control, Intel Oversight, Foreign Criminal Jurisdiction, Legislative)	**320.5**	3.7	3.0	0.0	0.0	0.0	98.0	0.7	421.5	1.3%
Naval Justice School (NJS)	1.5	0.0	0.0	0.0	0.0	0.0	**151.0**	1.1	152.5	0.5%
Training-NJS	14.5	0.2	7.0	0.1	2.0	0.1	**488.5**	3.4	512.0	1.6%
Other (legal services)	**2,329.0**	27.0	1,536.5	21.5	521.0	36.6	1,977.5	14.0	6,364.0	20.3%
Public Affairs	15.5	0.2	19.0	0.3	1.5	0.1	**66.0**	0.5	102.0	0.3%
Tort Litigation (e.g., MedMal, Toxic, Personal Injury)	**24.5**	0.3	2.5	0.0	0.0	0.0	16.0	0.1	43.0	0.1%
Budget/Fiscal/Comptroller/Acquisitions	**286.0**	3.3	10.0	0.1	13.5	0.9	47.0	0.3	356.5	1.1%
Headquarters/Management/Program Analysis/Policy	96.0	1.1	109.5	1.5	2.5	0.2	**414.0**	2.9	622.0	2.0%
Headquarters/Personnel/Pay/Travel	117.5	1.4	87.0	1.2	2.0	0.1	**319.0**	2.3	525.5	1.7%
IT Systems and Support	17.0	0.2	20.5	0.3	2.5	0.2	15.0	0.1	55.0	0.1%
(No Area)	35.0	0.4	99.0	1.4	3.0	0.2	133.5	0.9	270.5	0.9%
Other (non-legal-related services)	761.5	8.8	1,780.5	24.9	363.5	25.6	**2,441.0**	17.2	5,346.5	17.1%
Other product area (e.g., security, facility management, administrative)	**635.0**	7.4	94.0	1.3	23.5	1.7	508.0	3.6	1,260.5	4.0%
Training-not NJS/Other	136.0	1.6	212.5	3.0	22.0	1.5	**548.5**	3.9	919.0	2.9%
Total hours	**8,621.5**		**7,139.0**		**1,422.0**		**14,170.0**		**31,352.5**	

Personnel at the RLSOs worked 31,352.5 hours over a 2-week period. Of those hours, 73.1 percent were spent in some direct legal product or service (shown in blue in the table). Looking first in the total column, we found that the largest product areas for RLSOs are in *military justice*. The seven areas of *military justice* (from administrative separations to records) accounted for 29.9 percent of all hours logged by RLSO personnel. Other legal services accounted for 20.3 percent of all hours, followed by other (non-legal services), with 17.1 percent of total hours. All told, these three broad categories—*military justice*, *other legal services*, and *other non-legal services*—accounted for 67.3 percent of all hours worked.

The next largest product area for the RLSOs are the SJA-type tasks, such as ethics, military personnel law, environmental law (both installations and operational), international and operational law, international agreements, JAGMAN investigations, joint matters, law of war, and legal assistance. (We assume that legal assistance is being performed at RLSOs for some commands as a courtesy). Adding these 15 product areas, you get 15.9 percent of the total hours spent by employees at the RLSO. The next largest broad category of products is *non-legal hours* (budget/fiscal, headquarters management, headquarters personnel, IT systems, no area, other product

area, and training-not NJS), which account for about 12.7 percent of total hours. The remaining hours are scattered among *miscellaneous* (arms control, intel oversight, foreign criminal jurisdiction, legislative, 1.3 percent), *Naval Justice School* (2.1 percent), *public affairs* (0.3 percent), and *tort litigation* (0.1 percent).

Personnel requirements

Table 2 summarizes the personnel requirement results for RLSO officers. It shows the nine RLSOs, sorted by the average hours that officers worked per week. In general, RLSOs with higher average work hours had higher requirements. As you can see from the table, there is a large difference between the personnel requirements of the RLSOs, depending on whether one chooses to assume that the JAG Corps military justice workload will return to the levels before 2003 (high, pre-2003 scenario) or will continue at the levels seen in recent years (low, post-2003 scenario). If one assumes that the levels of military justice return to pre-2003 levels, the RLSOs will require an increase of 43 JAG Corps personnel (a 26.9-percent increase). If one assumes that the military justice workload will remain at the current post-2003 levels, the RLSOs will require very similar personnel to what they have today—for a total increase of 1 officer (an increase of 0.6 percent). Only one of the nine RLSOs required a decrease in personnel in *both* scenarios—RLSO Northwest, which would lose 1 officer (10 percent) in the high scenario, and 3 officers (30 percent) in the low scenario.

Table 2. RLSO officer requirements by location (using 50-hour standard workweek)

				High (pre-2003) scenario			Low (post-2003) scenario		
RLSO	Officer average hours / week	Officer adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	59.2	59.2	6	10	4	66.7%	6	0	0.0%
Southwest	51.0	51.0	27	37	10	37.0%	28	1	3.7%
Midwest	50.2	50.2	9	13	4	44.4%	10	1	11.1%
EURSWA	47.3	47.3	25	29	4	16.0%	26	1	4.0%
Hawaii	46.9	57.3	9	11	2	22.2%	9	0	0.0%
Japan	45.9	55.6	16	19	3	18.8%	17	1	6.3%
Midlant	45.1	45.1	27	34	7	25.9%	26	-1	-3.7%
Southeast	42.6	42.6	31	41	10	32.3%	32	1	3.2%
Northwest	39.5	43.9	10	9	-1	-10.0%	7	-3	-30.0%
TOTAL	**47.6**	**50.3**	**160**	**203**	**43**	**26.9%**	**161**	**1**	**0.6%**

We should keep in mind several caveats about these personnel requirements as they have been computed. These requirements are minimum requirements; the JAG Corps could choose to provide a larger number of personnel at these locations for a number of legitimate reasons. One such reason would be if a RLSO had a large number of small locations that required at least one person on site. These small outposts might sometimes have less than a full workload for a single person but at other times require the services of several personnel. Since one cannot place less than one person in a location, RLSOs with a number of small outposts will necessarily be less efficient than RLSOs with large concentrations of legal personnel. Another legitimate reason for a larger number of personnel would be if there were known plans for expansions that will require additional legal personnel.

We next turned our attention to the combined results for enlisted personnel, shown in table 3. There is a large difference between the results of the two scenarios. If legal workload returns to the rate it was before 2003, there would need to be an additional 9 enlisted personnel added to the nine RLSOs—an increase of 7.0 percent. However, if workload remains at the post-2003 level, the requirement would be for 28 fewer enlisted personnel—a decrease of 21.9 percent from the current numbers. We should note that in only two locations—Hawaii and EURSWA—do *both* the high and low scenarios call for a decrease in the number of enlisted personnel.

Table 3. RLSO enlisted requirements by location (non-LIMDU, using 50-hour standard workweek)

				High (pre-2003) scenario			Low (post-2003) scenario		
Location	Enlisted average hours / week	Enlisted adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	44.3	44.3	4	4	0	0.0%	2	-2	-50.0%
Southwest	42.7	45.5	17	19	2	11.8%	15	-2	-11.8%
Northwest	41.5	44.1	8	10	2	25.0%	7	-1	-12.5%
Midwest	46.1	46.1	12	21	9	75.0%	12	0	0.0%
EURSWA	37.3	44.4	18	15	-3	-16.7%	14	-4	-22.2%
Japan	36.7	37.6	12	12	0	0.0%	9	-3	-25.0%
Hawaii	36.1	36.1	6	5	-1	-16.7%	4	-2	-33.3%
Southeast	33.5	40.9	25	25	0	0.0%	18	-7	-28.0%
Midlant	33.5	39.4	26	26	0	0.0%	19	-7	-26.9%
TOTAL	**39.1**	**42.0**	**128**	**137**	**9**	**7.0%**	**100**	**-28**	**-21.9%**

Why are the requirements for enlisted personnel so much lower than they were for the officers? The major reason is that enlisted personnel simply do not work as many hours, on average, as the officers do. When we divide the hours by the same factor (we used a 50-hour workweek), it is certain that enlisted personnel will not fare as well as the officers. Another reason that the enlisted requirements are lower has to do with the distribution of the workload for enlisted. Enlisted personnel had a higher percentage of their time in *other (non-legal related services), other (legal services),* and *NJP*, which have been decreasing in recent years.

Note that the enlisted requirements for RLSOs would be considerably higher if a 40-hour workweek standard were used. We performed a sensitivity analysis to determine how much requirements would change if a 40-hour workweek were used (instead of a 50-hour workweek). Using the 40-hour standard, the high (pre-2003) scenario would calculate an additional 54 enlisted (42.2 percent). The low (post-2003) scenario would result in the need for an additional 7 enlisted personnel (5.5 percent). Details are in appendix A.

We next turn our attention to the civilians, shown in table 4, which has the requirements for civilian personnel using a 40-hour workweek. Once again, we see a large difference in personnel requirements, depending on whether one assumes a pre-2003 military justice workload or a post-2003 military justice workload. In the pre-2003 (higher) scenario, there would be a need for an additional 20 civilians—an increase of 14.3 percent. In the post-2003 (lower) sce-

nario, there would be a decrease in requirements of 4 (2.9 percent). Note that in only one location—EURSWA—do both of the scenarios call for a decrease in the number of civilian personnel.

Table 4. RLSO civilian requirements by location (40-hour workweek)

Location	Civilian average hours / week	Civilian adjusted hours / week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Hawaii	42.8	49.3	8	11	3	37.5%	9	1	12.5%
Southwest	40.2	43.7	21	27	6	28.6%	22	1	4.8%
Northwest	39.9	41.9	10	11	1	10.0%	10	0	0.0%
Japan	39.9	41.9	19	19	0	0.0%	19	0	0.0%
Midwest	38.7	40.3	10	15	5	50.0%	11	1	10.0%
NDW	35.8	39.7	4	4	0	0.0%	3	-1	-25.0%
Southeast	35.2	40.5	19	24	5	26.3%	20	1	5.3%
EURSWA	34.9	38.8	25	21	-4	-16.0%	21	-4	-16.0%
Midlant	32.6	40.3	24	28	4	16.7%	21	-3	-12.5%
TOTAL	**37.8**	**41.8**	**140**	**160**	**20**	**14.3%**	**136**	**-4**	**-2.9%**

In conclusion, the major factor in determining whether this workload leads to an increase or decrease in future workload requirements is whether one believes that the demand for military justice will return to what is was before 2003 (pre-2003 scenario) or will remain at current (post-2003) levels. A return to pre-2003 levels would require an increase of JAG Corps personnel; if workload remains at current levels, however, the requirement for legal personnel at RLSOs will decrease for enlisted and civilians.

Naval Legal Service Offices (NLSOs)

Work products and services of NLSOs

We summarized the work performed at the eight NLSOs during the data collection period. During those 2 weeks, JAG employees logged 24,758.5 hours. The preponderance of time, 17,840.5 hours (72.1 percent) was spent delivering some kind of legal product or service. Of this, 5,715.0 hours (23.1 percent) were spent in one of the seven areas of military justice (administrative separations, courts-martial, investigations, judiciary, National Security Cases, non-judicial punishment (NJP), or records).

The largest single product area for NLSOs, across all personnel types, is *legal assistance*: Personnel logged a total of 6,838.5 hours—27.6 percent of all hours logged at NLSOs. Civilians and enlisted personnel spent more time on legal assistance than on any other product or service area. However, officers' largest share of time is in courts-martial (3,236.5 hours, 22.7 percent of all officer hours logged). All told, four broad categories make up about 81 percent of NLSO workload:

- Legal assistance—27.6 percent
- Military justice—23.1 percent
- Other (non-legal services)—18.9 percent
- Other (legal services)—11.7 percent.

The rest of the product areas account for relatively small percentages of total time worked at the NLSOs. One large category is training—both NJS training and other training—which together accounted for about 4.2 percent of total hours at the NLSO. Legal assistance with taxes accounted for 1.3 percent of total hours spent.

In the non-legal categories, the largest amounts of time were spent on HQ/Management/Program Analysis/Policy (2.3 percent of total time), other product areas (3.6 percent), Budget/Fiscal/Comptroller/Resources (0.9 percent), HQ/Personnel/Pay/Travel (0.8 percent), and IT Systems and Support (0.2 percent).

Personnel requirements

Table 5 summarizes the personnel requirement results for NLSO officers. In general, NLSOs with higher average work hours had higher requirements. As shown, there is a large difference between the personnel requirements of the NLSOs, depending on whether one chooses to assume that the JAG Corps military justice workload will return to the levels before 2003 (high, pre-2003 scenario) or will continue at the levels seen in recent years (low, post-2003 scenario). If one assumes a return to pre-2003 levels, the NLSOs will require an increase of 49 JAG Corps personnel (a 29.0-percent increase). If one assumes that the military justice workload will remain at current levels, the NLSOs will require very similar personnel to what they have today—a total increase of 4 officers (a 2.4-percent increase).

Table 5. NLSO officer requirements by location (using 50-hour standard workweek)

NLSO	Officer characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
	Officer average hours/ week	Officer adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change from current	Low reqt	Difference low reqt	% change from current
North Central	54.3	54.3	27	35	8	29.6%	29	2	7.4%
Southwest	53.4	53.4	35	47	12	34.3%	36	1	2.9%
Central	53.0	53.0	19	29	10	52.6%	21	2	10.5%
EURSWA	49.3	49.3	5	7	2	40.0%	5	0	0.0%
Midlant	50.4	50.4	28	36	8	28.6%	28	0	0.0%
Southeast	47.0	47.0	20	22	2	10.0%	17	-3	-15.0%
Pacific	46.3	46.3	20	25	5	25.0%	22	2	10.0%
Northwest	45.7	45.7	15	17	2	13.3%	15	0	0.0%
TOTAL	50.7	50.7	169	218	49	29.0%	173	4	2.4%

We should keep in mind several caveats about these personnel requirements as they have been computed. These requirements are minimum requirements; the JAG Corps could choose to provide a larger number of personnel at these locations for a number of legitimate reasons. One such reason would be if a NLSO had a large number of small locations that required at least one person on site. These small outposts might sometimes have less than a full workload for a single person but at other times require the services of several personnel. Since one cannot place less than one person in a location, NLSOs with a number of small outposts will necessarily be less efficient than NLSOs with large concentrations of legal personnel. Another legitimate reason for a larger number of personnel would be if there were known plans for expansions that will require additional legal personnel—for instance, plans for the fleet to transfer more Sailors to a particular location due to BRAC.

We next turn to the combined results for enlisted personnel. As shown in table 3, if legal workload returns to pre-2003 levels, 4 fewer enlisted personnel would be needed—a decrease of 7.0 percent. But, if workload remains at the post-2003 level, the requirement would be for 8 fewer enlisted personnel—a 14-percent decrease. For most of the NLSO locations, both the high and low scenarios call for small decreases in the number of enlisted personnel.

Table 6. NLSO enlisted requirements by location (non-LIMDU, using 50-hour standard workweek)

NLSO	Enlisted characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Southwest	41.4	42.7	11	13	2	18.2%	12	1	9.1%
Central	40.1	42.2	6	7	1	16.7%	6	0	0.0%
Northwest	38.8	45.1	7	6	-1	-14.3%	6	-1	-14.3%
Midlant	31.1	39.3	8	7	-1	-12.5%	7	-1	-12.5%
Southeast	36.0	39.1	6	4	-2	-33.3%	4	-2	-33.3%
Pacific	38.7	38.7	12	11	-1	-8.3%	10	-2	-16.7%
EURSWA	35.9	37.8	4	4	0	0.0%	3	-1	-25.0%
North Central	19.8	28.2	3	1	-2	-66.7%	1	-2	-66.7%
TOTAL	35.2	39.1	57	53	-4	-7.0%	49	-8	-14.0%

Why are the requirements for enlisted personnel so much lower than they were for the officers? The major reason is that enlisted personnel simply do not work as many hours, on average, as the officers do. When we divide the hours by the same factor (we used a 50-hour workweek), it is certain that enlisted personnel will not fare as well as the officers. Another reason that the enlisted requirements are lower has to do with the distribution of the workload for enlisted. Enlisted personnel had a higher percentage of their time in legal assistance and legal assistance–taxes, which are expected to decrease slightly as the population of Sailors decreases in coming years. However, officers had a higher percentage of their time in courts-martial, training, and administrative separations. These are areas of work that might bounce back to higher levels if legal work returns to the pre-2003 assumptions about military justice workload.

We performed a sensitivity analysis to determine how much the enlisted requirements for NLSOs are affected by the adoption of a 50-hour workweek standard. When we computed the requirements using a 40-hour workweek, the results were different. Specifically, using the 40-hour standard, the high (pre-2003) scenario results in

a need for 74 additional enlisted personnel (28.9 percent); the low (post-2003) scenario would result in requirements for 10 additional enlisted personnel (17.5 percent).

We next turn our attention to the civilians, shown in table 7, which has the requirements for civilian personnel using a 40-hour workweek. Once again, we see a difference in personnel requirements, depending on whether one assumes a pre-2003 military justice workload or a post-2003 military justice workload. In the pre-2003 (higher) scenario, the total number of civilians required would be exactly the same as those on board at the NLSOs now, although some sites would gain and some would lose civilians. In the low (post-2003) scenario, there would be a total loss of 5 civilians—a loss of 5.5 percent from the current number.

Table 7. NLSO civilian requirements by location (40-hour workweek)

	Civilian characteristics			High (pre-2003) scenario			Low (post-2003) scenario		
NLSO	Civilian average hours/ week	Civilian adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Southeast	41.3	42.5	13	15	2	15.4%	15	2	15.4%
Northwest	38.7	42.0	11	11	0	0.0%	11	0	0.0%
Central	34.2	41.8	11	9	-2	-18.2%	7	-4	-36.4%
Southwest	32.4	41.0	14	14	0	0.0%	13	-1	-7.1%
Pacific	37.8	40.2	10	11	1	10.0%	11	1	10.0%
Midlant	34.0	39.1	13	15	2	15.4%	13	0	0.0%
North Central	29.1	36.4	19	16	-3	-15.8%	16	-3	-15.8%
EURSWA	NA	NA	0	NA	NA	NA	NA	NA	NA
TOTAL	35.4	40.4	91	91	0	0.0%	86	-5	-5.5%

Note that, even though these requirements are lower than those for officers, they are not as low as the requirements for enlisted personnel. This is partly because we applied a 40-workweek standard for civilians, as opposed to the 50-hour workweek used in setting enlisted requirements.

In conclusion, two major factors in determining whether NLSO workload leads to an increase or decrease in future workload requirements are (1) the number of hours per week that personnel are currently working (employees who are working long hours might need additional personnel to help with the workload) and

(2) whether one believes that the per capita demand for military justice will returns to what is was before 2003 (pre-2003 scenario) or will remain at current (post-2003) levels.

Overall conclusions and next steps

In conclusion, we have documented the work performed at the Navy's RLSOs, which perform services for the government—prosecution of criminals, advice to commanders, and assorted legal services that contribute to the good order and discipline of the Navy. In looking at the future personnel requirements for RLSOs, we found that, if we assume that military justice workload will return to pre-2003 levels, there will need to be an increase in officers, enlisted, and civilian personnel. If, on the other hand, one believes that military justice work will continue at post-2003 levels, there will need to be some decreases in the number of enlisted and civilian personnel.

Our analysis of the NLSOs showed that the major product area of NLSOs is legal assistance, followed by major contributions in defense and other legal services primarily aimed at individual Sailors. As with the RLSOs, there are two major determinants of the size of the future personnel requirements: how many hours are worked each day (longer hours indicating a need for more personnel) and whether one assumes that military justice workload will remain at current (post-2003) levels or will return to levels from before 2003. If one assumes that military justice workload will remain at post-2003 levels, there will need to be modest reductions in the number of NLSO personnel (except for a slight increase in the number of officers). If one assumes that military justice work will return to pre-2003 levels, there will need to be an increase in the number of NLSO officers, no change in the number of civilians, and a small (4 personnel, 7.0%) reduction in the number of enlisted.

Lastly, we want to emphasize that the requirements also depend on whether one adopts a 40-hour or a 50-hour workweek standard. Appendix A and Appendix B show the results of using 50-hour, 45-hour, and 40-hour standards in the computation of enlisted requirements.

This concludes the summary of the results for the RLSOs and NLSOs, which is Part I of this document. Part II results, which include the workload and requirements for JAG Corps officers, enlisted, and civilians at all other locations, will be reported in a separate volume.

Appendix A: Sensitivity analyses for RLSO requirements

The findings in the RLSO chapter depend to a large extent on two assumptions that affect the final requirements calculated:

1. The expectations for an average workweek
2. The number of personnel who "should have" answered the work diary.

The first assumption is critical because it determines the number by which work hours are divided, which determines the number of personnel that are required to perform the workload. OJAG asked us to recompute the requirements for enlisted personnel (legalmen) using a 45-hour workweek and 40-hour workweek, instead of the 50-hour workweek that we assumed in the earlier analyses (in the main text).

Table A-1 shows the results for the 50-hour workweek (which was presented in the main text). As you can see, the requirements for enlisted personnel under the pre-2003 scenario are higher than the current number on board, with a necessary addition of 9 personnel (7.0 percent) over the current number on board. Under the low (post-2003) scenario, however, the total number of enlisted personnel would need to be cut, as shown in the right columns of the table. The overall cut in the RLSOs' enlisted personnel would be 28, for a decrement of 21.9 percent of the legalman workforce. This cut for RLSOs would be the largest of the decreases we have computed, and it is based on the assumption that enlisted personnel are expected to work 50-hour workweeks, the same as the officers.

Table A-1. Requirements for enlisted RLSO personnel using 50-hour workweek (from main text)

Location	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt.	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	44.3	44.3	4	4	0	0.0%	2	-2	-50.0%
Southwest	42.7	45.5	17	19	2	11.8%	15	-2	-11.8%
Northwest	41.5	44.1	8	10	2	25.0%	7	-1	-12.5%
Midwest	46.1	46.1	12	21	9	75.0%	12	0	0.0%
EURSWA	37.3	44.4	18	15	-3	-16.7%	14	-4	-22.2%
Japan	36.7	37.6	12	12	0	0.0%	9	-3	-25.0%
Hawaii	36.1	36.1	6	5	-1	-16.7%	4	-2	-33.3%
Southeast	33.5	40.9	25	25	0	0.0%	18	-7	-28.0%
Midlant	33.5	39.4	26	26	0	0.0%	19	-7	-26.9%
TOTAL	**39.1**	**42.0**	**128**	**137**	**9**	**7.0%**	**100**	**-28**	**-21.9%**

However, members of the Navy legal community have told us that applying a 50-hour workweek is not fair to enlisted personnel because some commanding officers at the RLSOs and NLSOs make a point of sending the enlisted personnel home after an 8-hour workday. Furthermore, senior enlisted leadership from OJAG headquarters feel that many enlisted personnel did not adequately account for the amount of time they spent satisfying newly mandated education requirements through a distance learning program offered by Roger Williams University. This program is designed to improve the professional competence of all legalmen and prepare them for billets of greater responsibility and complexity. Therefore, we decided that it was critically important for us to perform a sensitivity analysis of the workweek assumption for enlisted personnel.

Table A-2 shows the results assuming a 45-hour workweek, and table A-3 shows the results assuming a more realistic 40-hour workweek (which is the same as the standard applied to civilian personnel). As can be seen in table A-2, applying a standard workweek of 45 hours (as opposed to 50 hours) makes a difference in the computed requirements. Under the low (post-2003) workload scenario, the total cuts to the enlisted personnel would be just 11 personnel (-8.6 percent) compared with the cut of 28 personnel (-21.9 percent) using a 50-hour workweek standard.

Table A-2. Requirements for enlisted personnel using a 45-hour workweek

Location	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/week	Enlisted adjusted hours/week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	44.3	44.3	4	5	1	25.0%	3	-1	-25.0%
Southwest	42.7	45.5	17	22	5	29.4%	17	0	0.0%
Northwest	41.5	44.1	8	12	4	50.0%	8	0	0.0%
Midwest	46.1	46.1	12	24	12	100.0%	14	2	16.7%
EURSWA	37.3	44.4	18	17	-1	-5.6%	16	-2	-11.1%
Japan	36.7	37.6	12	14	2	16.7%	11	-1	-8.3%
Hawaii	36.1	36.1	6	6	0	0.0%	5	-1	-16.7%
Southeast	33.5	40.9	25	29	4	16.0%	21	-4	-16.0%
Midlant	33.5	39.4	26	30	4	15.4%	22	-4	-15.4%
TOTAL	**39.1**	**42.0**	**128**	159	**31**	**24.2%**	117	**-11**	**-8.6%**

Table A-3 shows that there is a need for additional enlisted personnel at the RLSOs under both scenarios, if a 40-hour workweek is assumed.

Table A-3. Requirements for enlisted personnel using a 40-hour workweek

Location	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/week	Enlisted adjusted hours/week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
NDW	44.3	44.3	4	6	2	50.0%	3	-1	-25.0%
Southwest	42.7	45.5	17	25	8	47.1%	20	3	17.6%
Northwest	41.5	44.1	8	13	5	62.5%	10	2	25.0%
Midwest	46.1	46.1	12	28	16	133.3%	16	4	33.3%
EURSWA	37.3	44.4	18	20	2	11.1%	19	1	5.6%
Japan	36.7	37.6	12	16	4	33.3%	12	0	0.0%
Hawaii	36.1	36.1	6	7	1	16.7%	6	0	0.0%
Southeast	33.5	40.9	25	33	8	32.0%	24	-1	-4.0%
Midlant	33.5	39.4	26	34	8	30.8%	25	-1	-3.8%
TOTAL	**39.1**	**42.0**	**128**	182	**54**	42.2%	135	**7**	**5.5%**

Specifically, table A-3 shows that instead of requiring a cut in the total enlisted personnel using the post-2003 assumptions (as would occur using a 50-hour or 45-hour standard), the 40-hour requirement calculates a need for an additional 7 enlisted personnel (+5.5 percent). We conclude from these sensitivity analyses that OJAG needs to consider very carefully which standard should be applied to enlisted personnel: the 50-, 45-, or 40-hour workweek.

The second major assumption concerns how many personnel should have answered the work diary at each RLSO. This is important because our calculations increase the amount of work performed at a particular RLSO based on how many people should have answered the work diary. Our calculations in the main text were based on the NLSC Dashboard of June 2007.

We want to illustrate the effect that these assumptions have on the final requirements for a particular RLSO, so that OJAG can calculate alternative requirements if, in fact, the NLSC Dashboard was not always accurate. We will take as a test case RLSO Midwest. Table A-4 shows the number of personnel that we assumed should have answered the work diary, from the NLSC Dashboard of June 2007.

Table A-4. Personnel for RLSO Midwest (from NLSC Dashboard June 2007)

	JAG	LDO	LN	US Civ	FN Civ	Total Personnel	JAG IA	LN IA	Pers Less IAs
Great Lakes	8	1	12	9	0	30	1	1	28
Millington	0	0	0	1	0	1	0	1	0
Tinker AFB	0	0	0	0	0	0	0	0	0
Totals	8	1	12	10	0	31	1	2	28

As we stated in the main text, the number of people who answered the work diary were as follows:

- 10 out of 10 civilians
- 10 of 12 LNs
- 9 of 9 officers (JAGs and LDOs).

The implicit assumption of our method was that (a) the dashboard accurately reflected how many people were currently working at the RLSO and (b) we could ignore the number of personnel on IAs for the moment.

If someone at OJAG decides that the number of enlisted who should have answered was 18, instead of 12, here is how the new requirement would be computed. Table A-5 reproduces the workload that was reported by RLSO Midwest legalmen who answered the questionnaire. As you can see, they reported a total of 921.0 hours

over the 2-week period, and the largest percentages of time in their work hours included administrative separations (47 percent), NJP (10 percent), other—legal services (12 percent), and other—non-legal-related services (12 percent).

Table A-5. RLSO Midwest: Distribution of hours across product and service areas (enlisted)

RLSO MW Enlisted table	Enlisted—Legalmen	Total Hours
Legal Assistance (immigration, wills, POAs)	3.0	3.0
Military Justice-administrative separations	436.5	436.5
Military Justice—Courts-martial	91.5	91.5
Military Justice—Investigations	2.5	2.5
Military Justice—NJP	94.5	94.5
Military Justice—Records	3.0	3.0
Other (legal services)	113.5	113.5
Public Affairs	8.0	8.0
No area identified	2.5	2.5
Headquarters/Personnel/Pay/Travel	1.5	1.5
Other (non-legal-related services)	108.5	108.5
Other product area (e.g., security, facility management, administrative)	1.0	1.0
Training—not NJS/Other	55.0	55.0
Grand Total	921.0	921.0

As we said in the main text, since these hours were computed from a fraction of the enlisted personnel who should have answered the work diary, we have to multiply the hours by a constant to get the total hours that are actually worked by legalmen at RLSO Midwest. Table A-6 shows how this procedure would work if the 10 legalmen represented 10 out of 18 legalmen, rather than 10 out of 12 legalmen. In short, their hours would be multiplied by 18/10, or 1.8.

The new number of work hours for the enlisted personnel assume that the 10 enlisted personnel who answered the work diary are representative of the 18 personnel who should have answered the work diary; therefore, we can multiply by a constant to correct for the fact that we had an imperfect response rate for the work diary. With the data that we have collected, there is no way to check whether this assumption is true since performing that check would require new data collection (specifically, to find the 8 enlisted personnel who did not answer the questionnaire, and to get their work diary responses for a 2-week period).

Table A-6. Multiplying legalman hours to inflate hours to 18 personnel (multiplying by 1.8)

RLSO MW Enlisted table	Enlisted—Legalmen	Total Hours	Correcting to a total of 18 billets (*1.8)
Legal Assistance (immigration, wills, POAs)	3.0	3.0	5.4
Military Justice-administrative separations	436.5	436.5	785.7
Military Justice—Courts-martial	91.5	91.5	164.7
Military Justice—Investigations	2.5	2.5	4.5
Military Justice—NJP	94.5	94.5	170.1
Military Justice—Records	3.0	3.0	5.4
Other (legal services)	113.5	113.5	204.3
Public Affairs	8.0	8.0	14.4
No area identified	2.5	2.5	4.5
Headquarters/Personnel/Pay/Travel	1.5	1.5	2.7
Other (non-legal-related services)	108.5	108.5	195.3
Other product area (e.g., security, facility management, administrative)	1.0	1.0	1.8
Training-not NJS/Other	55.0	55.0	99
Grand Total	921.0	921.0	1,657.8

The next step in computing requirements is to apply the future workload rules, as shown in table A-7. Table A-7 shows that the rules that are relevant to the requirements for the enlisted personnel for RLSO Midwest apply to only those product areas in which they worked. So, for example, the following rules are relevant to the future workload of enlisted personnel for RLSO Midwest:

- Legal assistance: 1 - delta(MP) * hours; i.e., .976, .967, .963
- Military justice—administrative separations: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low
- Military justice—Courts-martial: 1.66 * (1-delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Military justice—Investigations: 2.08 * (1-delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Military justice—NJP: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario

- Military justice—Records: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Other (legal services): 1 - delta(MP) * hours
- All other areas: Constant.

Table A-7. Application of workload rules for RLSO Midwest enlisted personnel

Rule Name	Rule	Present	Present (*1.8)	YR08	YR09	YR10
Legal Assistance (e.g., immigration)	1-delta(MP)xhours	3	5.4	5.3	5.2	5.2
Military Justice-Administrative Separations		436.5	785.7			
Pre 2003 (higher)	2.08*(1-delta(MP))		785.7	1,595.0	1,580.3	1,573.8
Post 2003 (lower)	(1-delta(MP))		785.7	766.8	759.8	756.6
Military Justice-Courts-martial		91.5	164.7			
Pre 2003 (higher)	1.66*(1-delta(MP))		164.7	266.8	264.4	263.3
Post 2003 (lower)	(1-delta(MP))		164.7	160.7	159.3	158.6
Military Justice-Investigations		2.5	4.5			
Pre 2003 (higher)	2.08*(1-delta(MP))		4.5	9.1	9.1	9.0
Post 2003 (lower)	(1-delta(MP))		4.5	4.4	4.4	4.3
Military Justice-NJP		94.5	170.1			
Pre 2003 (higher)	2.08*(1-delta(MP))		170.1	345.3	342.1	340.7
Post 2003 (lower)	.876,.77,.668		170.1	149.0	131.0	113.6
Military Justice-Records		3	5.4			
Pre 2003 (higher)	2.08*(1-delta(MP))		5.4	11.0	10.9	10.8
Post 2003 (lower)	(1-delta(MP))		5.4	5.3	5.2	5.2
Other (legal services)	1-delta(MP)*hours	113.5	204.3	199.4	197.6	196.7
Public Affairs	Constant	8	14.4	14.4	14.4	14.4
No area identified	Constant	2.5	4.5	4.5	4.5	4.5
Headquarters / Personnel / Pay / Travel	Constant, generally increasing	1.5	2.7	2.7	2.7	2.7
Other (non-legal-related services)	Constant	108.5	195.3	195.3	195.3	195.3
Other product area	Constant	1	1.8	1.8	1.8	1.8
Training-not NJS/other	Constant	55	99.0	99.0	99.0	99.0

As the reader can calculate for himself or herself, the total number of hours for the high scenario for YR08 is 2,749.7; for the low scenario, it is 1,608.6. We would then multiply these numbers by 1.03 to correct for the fact that respondents said that the workload in June was about 3 percent lower than the average workload during the entire year. These corrections increase the total hours to 1,656.89 for the low scenario, and 2,832.15 for the high scenario. The last, and final step, is to divide by the appropriate divisor. If we

assume a 50-hour workweek for enlisted personnel, we must divide by 90, so the final enlisted requirements would be as follows:

- Low requirement 1,656.89 divided by 90 = 18.41 personnel
- High requirement 2,832.15 divided by 90 = 31.47 personnel.

We have adopted the practice of rounding to the nearest whole number. So, in this circumstance, the enlisted requirements for RLSO Midwest would be 18 for the low scenario and 31 for the high scenario. Note that these requirements have been changed merely by changing the assumption of how many personnel should have answered the work diary; no other assumptions have been changed.

To summarize this appendix, we have shown that the personnel requirements we computed are sensitive to two major assumptions:

1. The expectations for an average workweek
2. The number of personnel who "should have" answered the work diary.

To address the first of the assumptions, we have calculated the enlisted personnel requirements using a 50-hour, 45-hour, and 40-hour workweek assumption. The results are shown in tables A-1, A-2, and A-3. As can be seen, the shorter the workweek assumption, the more personnel are required.

To address the second assumption, we have shown in detail how one would change the calculations for RLSO Midwest enlisted requirements if 18 personnel were supposed to have answered the survey, instead of the 12 that we used in the main text. Because 10 personnel actually answered the questionnaire, we used a multiplier of 1.2 in the main text; in this appendix, we used a multiplier of 1.8. We trust that this example has been shown in sufficient detail that OJAG can make its own corrections to requirements if the NLSC Dashboard needs to be updated to show a different number of people who should have answered the work diary.

Appendix B: Sensitivity analyses for NLSO requirements

The findings in the NLSO chapter depend to a large extent on two assumptions that affect the final requirements calculated:

1. The expectations for an average workweek
2. The number of personnel who "should have" answered the work diary.

The first assumption is critical because it determines the number by which work hours are divided, which determines the number of personnel that are required to perform the workload. OJAG asked us to recompute the requirements for enlisted personnel (legalmen) using a 45- and a 40-hour workweek, instead of the 50-hour workweek that we assumed in the earlier analyses.

Table B-1 shows the results for the 50-hour workweek (which was presented in the main text). As you can see, the requirements for enlisted personnel under the pre-2003 scenario are lower than the current number on board, with a necessary decrease of 4 personnel (-7.0 percent) compared with the current number on board. However, under the low (post-2003) scenario, the total number of enlisted personnel would need to be cut more substantially, as shown in the right columns of table B-1. Specifically, the requirements using post-2003 assumptions would cut enlisted personnel from all the NLSOs except Southwest and Central. The overall cut in the NLSOs' enlisted personnel would be 8, for a decrement of 14.0 percent of the legalman at NLSOs. This overall cut is based on the assumption that enlisted personnel are expected to work 50-hour workweeks, the same as the officers.

Table B-1. Requirements for enlisted NLSO personnel using 50-hour workweek (from main text)

NLSO	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Midlant	31.1	39.3	8	7	-1	-12.5%	7	-1	-12.5%
Southwest	41.4	42.7	11	13	2	18.2%	12	1	9.1%
North Central	19.8	28.2	3	1	-2	-66.7%	1	-2	-66.7%
Central	40.1	42.2	6	7	1	16.7%	6	0	0.0%
Southeast	36.0	39.1	6	4	-2	-33.3%	4	-2	-33.3%
Northwest	38.8	45.1	7	6	-1	-14.3%	6	-1	-14.3%
Pacific	38.7	38.7	12	11	-1	-8.3%	10	-2	-16.7%
EURSWA	35.9	37.8	4	4	0	0.0%	3	-1	-25.0%
TOTAL	35.2	39.1	57	53	-4	-7.0%	49	-8	-14.0%

However, members of the Navy legal community have told us that applying a 50-hour workweek is not fair to enlisted personnel because some commanding officers at the RLSOs and NLSOs make a point of sending the enlisted personnel home after an 8-hour workday. Furthermore, senior enlisted leadership from OJAG headquarters feel that many enlisted personnel did not adequately account for the amount of time they spent satisfying newly mandated education requirements through a distance learning program offered by Roger Williams University. This program is designed to improve the professional competence of all legalmen and prepare them for billets of greater responsibility and complexity. Therefore, we decided that it was critically important for us to perform a sensitivity analysis of the workweek assumption for enlisted personnel.

Table B-2 shows the results assuming a 45-hour workweek, and table B-3 shows the results assuming a more realistic 40-hour workweek (which is the same as the standard applied to civilian personnel). As can be seen in table B-2, applying a standard workweek of 45 hours (as opposed to 50 hours) makes a difference in the computed requirements. Under the low (post-2003) workload scenario with a 45-hour workweek, there would be an increase of 2 enlisted personnel (+3.5 percent), compared with the cut of 8 personnel (-14.0 percent) using a 50-hour workweek standard. Also, notice that the requirements for the high scenario have changed from a cut of 4 (-7.0 percent) to an increase of 6 (+10.5 percent).

Table B-2. Requirements for NLSO enlisted personnel using a 45-hour workweek

NLSO	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Midlant	31.1	39.3	8	8	0	0.0%	8	0	0.0%
Southwest	41.4	42.7	11	15	4	36.4%	14	3	27.3%
N. Central	19.8	28.2	3	2	-1	-33.3%	2	-1	-33.3%
Central	40.1	42.2	6	8	2	33.3%	7	1	16.7%
Southeast	36.0	39.1	6	5	-1	-16.7%	5	-1	-16.7%
Northwest	38.8	45.1	7	7	0	0.0%	7	0	0.0%
Pacific	38.7	38.7	12	13	1	8.3%	12	0	0.0%
EURSWA	35.9	37.8	4	5	1	25.0%	4	0	0.0%
TOTAL	35.2	39.1	57	63	6	10.5%	59	2	3.5%

Table B-3. Requirements for NLSO enlisted personnel using a 40-hour workweek

NLSO	Background information			High (pre-2003) scenario			Low (post-2003) scenario		
	Enlisted average hours/ week	Enlisted adjusted hours/ week	Current on board	High reqt	Difference high reqt	% change	Low reqt	Difference low reqt	% change
Midlant	31.1	39.3	8	10	2	25.0%	10	2	25.0%
Southwest	41.4	42.7	11	17	6	54.5%	16	5	45.5%
N. Central	19.8	28.2	3	2	-1	-33.3%	2	-1	-33.3%
Central	40.1	42.2	6	10	4	66.7%	8	2	33.3%
Southeast	36.0	39.1	6	6	0	0.0%	6	0	0.0%
Northwest	38.8	45.1	7	8	1	14.3%	8	1	14.3%
Pacific	38.7	38.7	12	15	3	25.0%	13	1	8.3%
EURSWA	35.9	37.8	4	6	2	50.0%	4	0	0.0%
TOTAL	35.2	39.1	57	74	17	29.8%	67	10	17.5%

Table B-3 shows that requirements would be even higher using a 40-hour workweek assumption. Instead of requiring a cut in the total enlisted personnel using the post-2003 assumptions (as would occur using a 50-hour standard), the 40-hour requirement calculates a need for an additional 10 enlisted personnel (+17.5 percent) under the low (post-2003) scenario, and 17 more (+29.8%) in the high (pre-2003) scenario. We conclude from these sensitivity analyses that OJAG needs to consider very carefully which standard should be applied to enlisted personnel: a 50-, 45-, or 40-hour workweek.

The second major assumption concerns how many personnel *should* have answered the work diary at each NLSO. This is important because our calculations increase the amount of work performed at a particular NLSO based on how many people should have answered the work diary. Our calculations in the main text were based on the NLSC Dashboard of June 2007.

We want to illustrate the effect that these assumptions have on the final requirements for a particular NLSO so that OJAG can calculate alternative requirements if, in fact, the NLSC Dashboard was not always accurate. We will take as a test case RLSO Midwest. (It makes no difference that our example is a RLSO—the arithmetic in computing requirements is identical for RLSOs and NLSOs.) Table B-4 shows the number of personnel that we assumed should have answered the work diary, from the NLSC Dashboard of June 2007.

Table B-4. Personnel for RLSO Midwest (from NLSC Dashboard June 2007)

	JAG	LDO	LN	US Civ	FN Civ	Total personnel	JAG IA	LN IA	Pers less IAs
Great Lakes	8	1	12	9	0	30	1	1	28
Millington	0	0	0	1	0	1	0	1	0
Tinker AFB	0	0	0	0	0	0	0	0	0
Totals	8	1	12	10	0	31	1	2	28

As we stated in the main text, the numbers of people who answered the work diary were as follows:

- 10 out of 10 civilians
- 10 of 12 LNs
- 9 of 9 officers (JAGs and LDOs).

The implicit assumption of our method was that (a) the dashboard accurately reflected how many people were currently working at the RLSO and (b) we could ignore the number of personnel on IAs for the moment.

If someone at OJAG decides that the number of enlisted who should have answered was 18, instead of 12, here is how to compute the new requirement. Table B-5 reproduces the workload reported

by RLSO Midwest legalmen who answered the questionnaire. They reported a total of 921.0 hours over the 2-week period. The largest percentages of time in their work hours included administrative separations (47 percent), NJP (10 percent), other—legal services (12 percent), and other—non-legal services (12 percent).

Table B-5. RLSO Midwest: Distribution of hours across product and service areas (enlisted)

RLSO MW Enlisted table	Enlisted—Legalmen	Total hours
Legal Assistance (immigration, wills, POAs)	3.0	3.0
Military Justice—administrative separations	436.5	436.5
Military Justice—Courts-martial	91.5	91.5
Military Justice—Investigations	2.5	2.5
Military Justice—NJP	94.5	94.5
Military Justice—Records	3.0	3.0
Other (legal services)	113.5	113.5
Public Affairs	8.0	8.0
No area identified	2.5	2.5
Headquarters/Personnel/Pay/Travel	1.5	1.5
Other (non-legal-related services)	108.5	108.5
Other product area (e.g., security, facility management, administrative)	1.0	1.0
Training—not NJS/Other	55.0	55.0
Grand Total	921.0	921.0

As we said in the main text, since these hours were computed from a fraction of the enlisted personnel who should have answered the work diary, we have to multiply the hours by a constant to get the total hours that are actually worked by legalmen at RLSO Midwest. Table B-6 shows how this procedure would work if the 10 legalmen represented 10 out of 18 legalmen, rather than 10 out of 12 legalmen. In short, their hours would be multiplied by 18/10, or 1.8.

The new number of work hours for the enlisted personnel assume that the 10 enlisted personnel who answered the work diary are representative of the 18 personnel who should have answered the work diary; therefore, we can multiply by a constant to correct for the fact that we had an imperfect response rate for the work diary. With the data that we have collected, there is no way to check whether this assumption is true since performing that check would require new data collection (specifically, to find the 8 enlisted personnel who

did not answer the questionnaire, and to get their work diary responses for a 2-week period).

Table B-6. Multiplying legalman hours to inflate hours to 18 per sonnel (multiplying by 1.8)

RLSO MW Enlisted table	Enlisted—Legalmen	Total Hours	Correcting to a total of 18 billets (*1.8)
Legal Assistance (immigration, wills, POAs)	3.0	3.0	5.4
Military Justice—administrative separations	436.5	436.5	785.7
Military Justice—Courts-martial	91.5	91.5	164.7
Military Justice—Investigations	2.5	2.5	4.5
Military Justice—NJP	94.5	94.5	170.1
Military Justice—Records	3.0	3.0	5.4
Other (legal services)	113.5	113.5	204.3
Public Affairs	8.0	8.0	14.4
No area identified	2.5	2.5	4.5
Headquarters/Personnel/Pay/Travel	1.5	1.5	2.7
Other (non-legal-related services)	108.5	108.5	195.3
Other product area (e.g., security, facility management, administrative)	1.0	1.0	1.8
Training—not NJS/Other	55.0	55.0	99
Grand Total	921.0	921.0	1,657.8

The next step in computing requirements is to apply the future workload rules, as shown in table B-7. Table B-7 shows that the rules that are relevant to the requirements for the enlisted personnel for RLSO Midwest apply to only those product areas in which they worked. So, for example, the following rules are relevant to the future workload of enlisted personnel for RLSO Midwest:

- Legal assistance: 1 - delta(MP) * hours; i.e., .976, .967, .963
- Military justice—administrative separations: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low
- Military justice—Courts-martial: 1.66 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Military justice—Investigations: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Military justice—NJP: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario

- Military justice—Records: 2.08 * (1 - delta(MP)) for high scenario; simply (1 - delta(MP)) for low scenario
- Other (legal services): 1 - delta(MP)*hours
- All other areas: Constant.

Table B-7. Application of workload rules for RLSO Midwest enlisted personnel

Work type	Workload rule	Present	Present (*1.8)	YR08	YR09	YR10
Legal Assistance (e.g., immigration)	1-delta(MP)xhours	3	5.4	5.3	5.2	5.2
Military Justice-Administrative Separations		436.5	785.7			
Pre 2003 (higher)	2.08*(1-delta(MP))		785.7	1,595.0	1,580.3	1,573.8
Post 2003 (lower)	(1-delta(MP))		785.7	766.8	759.8	756.6
Military Justice-Courts-martial		91.5	164.7			
Pre 2003 (higher)	1.66*(1-delta(MP))		164.7	266.8	264.4	263.3
Post 2003 (lower)	(1-delta(MP))		164.7	160.7	159.3	158.6
Military Justice-Investigations		2.5	4.5			
Pre 2003 (higher)	2.08*(1-delta(MP))		4.5	9.1	9.1	9.0
Post 2003 (lower)	(1-delta(MP))		4.5	4.4	4.4	4.3
Military Justice-NJP		94.5	170.1			
Pre 2003 (higher)	2.08*(1-delta(MP))		170.1	345.3	342.1	340.7
Post 2003 (lower)	.876,.77,.668		170.1	149.0	131.0	113.6
Military Justice-Records		3	5.4			
Pre 2003 (higher)	2.08*(1-delta(MP))		5.4	11.0	10.9	10.8
Post 2003 (lower)	(1-delta(MP))		5.4	5.3	5.2	5.2
Other (legal services)	1-delta(MP)*hours	113.5	204.3	199.4	197.6	196.7
Public Affairs	Constant	8	14.4	14.4	14.4	14.4
No area identified	Constant	2.5	4.5	4.5	4.5	4.5
Headquarters / Personnel / Pay / Travel	Constant, generally increasing	1.5	2.7	2.7	2.7	2.7
Other (non-legal-related services)	Constant	108.5	195.3	195.3	195.3	195.3
Other product area	Constant	1	1.8	1.8	1.8	1.8
Training-not NJS/other	Constant	55	99.0	99.0	99.0	99.0

As the reader can calculate for himself or herself, the total number of hours for the high scenario for YR08 is 2,749.7; for the low scenario, it is 1,608.6. We would then multiply these numbers by 1.03 to correct for the fact that respondents said that the workload in June was about 3 percent lower than the average workload during the entire year. These corrections increase the total hours to 1,656.89 for the low scenario and to 2,832.15 for the high scenario. The last, and final step, is to divide by the appropriate divisor. If we

assume a 50-hour workweek for enlisted personnel, we must divide by 90, so the final enlisted requirements would be as follows:

- Low requirement 1,656.89 divided by 90 = 18.41 personnel
- High requirement 2,832.15 divided by 90 = 31.47 personnel.

We have adopted the practice of rounding to the nearest whole number. So, in this circumstance, the enlisted requirements for RLSO Midwest would be 18 for the low scenario and 31 for the high scenario. Note that these requirements have been changed merely by changing the assumption of how many personnel should have answered the work diary; no other assumptions have been changed.

To summarize this appendix, we have shown that the personnel requirements we computed are sensitive to two major assumptions:

1. The expectations for an average workweek at the NLSO
2. The number of personnel who "should have" answered the work diary.

To address the first of the assumptions, we have calculated the enlisted personnel requirements at each NLSO using a 50-hour, 45-hour, and 40-hour workweek assumption. The results are shown in tables B-1, B-2, and B-3. As they show, the shorter the workweek assumption, the more personnel are required.

To address the second assumption, we have shown in detail how one would change the calculations if there were actually more personnel at a particular site than what we assumed. In our example, we showed calculations for RLSO Midwest enlisted requirements if 18 personnel were supposed to have answered the survey, instead of the 12 that we used in the main text. Because 10 personnel actually answered the questionnaire, we used a multiplier of 1.2 in the main text; in this appendix, we used a multiplier of 1.8. We trust that this example has been shown in sufficient detail that OJAG can make its own corrections to requirements if the NLSC Dashboard needs to be updated to show a different number of people who should have answered the work diary.

Appendix C: Examples of "other" legal and non-legal products and services

OJAG asked us to provide examples of the "other" legal products and services that are mentioned in the main text. This appendix answers that request.

Other Legal Products and Services

Respondents might have listed working on an "other legal product or service" if they did not find a category that they believed would apply to the work that they performed. In other cases the respondent simply did not search hard enough for the appropriate category. For example, respondents might have listed "other legal" in the following situations:

- Traveling to a court martial (non-commute time)
- Standing watch in a command center, in case a legal question arose
- Consulting with a public affairs officer about the legality of providing specific information to the public
- Convincing a reluctant witness that he or she should testify before a jury

Other Non-Legal Products and Services

Personnel might have listed working on an "other non-legal product or service" if they could not find a category for the work they were performing. For example, personnel might have listed "other non-legal product or service" in the following situations:

- Performing a collateral duty such as serving as the fitness coordinator, blood drive chairperson, or voting coordinator
- Standing watch for a fellow (non-legal) officer because he was sick or injured
- Consulting with a superior officer regarding command decisions which are not purely legal in nature

- Attending a command event or activity which is mandatory but not truly legal, such as PFT, all-hands, and inspections

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