



*UNDERSTANDING MILITARY CULTURE IN THE  
LEGAL SYSTEM*

# WHY SHOULD I UNDERSTAND MILITARY CULTURE?

## *NY Rules of Professional Conduct*

- *Rule 1.1 Competence – “A lawyer should provide competent representation...requires legal knowledge, skill, thoroughness and preparation reasonably necessary...”*
- *Rule 1.4 Communication*
  - *Knowing how to communicate with your veteran client will impact the ability to adhere to this regulation*

# REPRESENTING A VETERAN OR ACTIVE SERVICE MEMBER IN CRIMINAL COURT

- PORTER V. MCCOLLUM 558 U.S. 30 (2009) – “OUR NATION HAS A LONG TRADITION OF ACCORDING LENIENCY TO VETERANS IN RECOGNITION OF THEIR SERVICE...”
- PEOPLE V. JACKSON, 202 A.D. 3D 1483 (4<sup>TH</sup> DEPT 2022)

# STATISTICS

# MILITARY & VETERAN POPULATION

- 17.8 MILLION VETERANS IN THE U.S (2023)
  - *U.S. DEPARTMENT OF VETERAN AFFAIRS (VA), NATIONAL CENTER FOR VETERANS ANALYSIS AND STATISTICS*
- 1.3 MILLION ACTIVE DUTY SERVICE MEMBERS ACROSS FIVE BRANCHES
  - *U.S. DEPARTMENT OF DEFENSE, 2023*
- APPROXIMATELY 200,00 SERVICE MEMBERS TRANSITION TO CIVILIAN LIFE EACH YEAR
  - *DEPARTMENT OF LABOR, VETERAN'S EMPLOYMENT & TRAINING SERVICE*

# JUSTICE INVOLVED VETERANS

- 1 IN 3 VETERANS REPORT HAVING BEEN ARRESTED AT LEAST ONCE IN THEIR LIFETIME
  - *TSAI ET. AL. 2014, PSYCHIATRIC SERVICES*
- AN ESTIMATED 181,500 VETERANS ARE INCARCERATED IN U.S. JAILS OR PRISONS
  - *BUREAU OF JUSTICE STATISTICS*
- JUSTICE INVOLVED VETERAN ARE MORE LIKELY TO HAVE SERVED IN COMBAT ROLES AND REPORT HIGHER RATES OF PTSD AND SUBSTANCE USE DISORDERS

# TRAUMA & MENTAL HEALTH MATTERS

- UP TO 30% OF POST 9/11 VETERANS EXPERIENCE PTSD IN THEIR LIFETIME
  - *U.S. DEPARTMENT OF VETERAN AFFAIRS*
- 19.5 % OF IRAQ AND AFGHANISTAN VETERANS REPORT A TRAUMATIC BRAIN INJURY (TBI)
  - *RAND CORPORATION, INVISIBLE WOUNDS OF WAR*
- VETERANS ARE 1.5 TIMES MORE LIKELY THAN CIVILIANS TO DIE BY SUICIDE
  - *2023 NATIONAL VETERAN SUICIDE PREVENTION*

# TRANSITION & RISK FACTORS

- WITHIN THE FIRST YEAR OF SEPARATION FROM SERVICE, VETERANS ARE AT A SIGNIFICANTLY ELEVATED RISK FOR SUICIDE, HOMELESSNESS, AND SUBSTANCE USE
  - *VA & DoD CLINICAL PRACTICE GUIDELINES, 2023*

# VETERAN TREATMENT COURTS (VTC)

- OVER 600 VTCs OPERATE ACROSS THE U.S. (2023), TAILORED TO ADDRESS ROOT CAUSES OF JUSTICE INVOLVEMENT
  - *NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS*
- VETERANS IN VTCs SHOW LOWER RECIDIVISM, HIGHER TREATMENT ENGAGEMENT, AND GREATER HOUSING AND EMPLOYMENT STABILITY THAN THOSE PROCESSED TRADITIONALLY.
  - *NATIONAL INSTITUTE FOR JUSTICE*



# MILITARY CULTURE: DEFINED

A distinct and deeply ingrained set of values, norms, and behaviors shaped by the demands of service, the hierarchy of command and the shared experiences of those who serve. To understand a veteran's behavior, decisions, needs, - especially in legal settings – it is important to also understand the culture from which they come.

# MILITARY CULTURE: DEFINED

- MANY VETERANS BRING INVISIBLE WOUNDS INTO OUR COURTS. UNDERSTANDING THE MILITARY EXPERIENCE IS NOT ABOUT SPECIAL TREATMENT – ITS ABOUT INFORMED JUSTICE!

- WHAT IS MILITARY CULTURE AND WHY DOES IT MATTER IN A LEGAL SETTING?*

# CORE VALUES

- ARMY: HONOR, DUTY, RESPECT, LOYALTY, INTEGRITY, AND SELFLESS SERVICE, PERSONAL COURAGE (LDRSHIP)
- MARINE CORPS & NAVY: HONOR, COURAGE, COMMITMENT
- AIR FORCE: INTEGRITY FIRST, SERVICE BEFORE SELF, EXCELLENCE IN ALL WE DO
- COAST GUARD: HONOR, RESPECT AND DEVOTION TO DUTY.
- SPACE FORCE: CHARACTER, CONNECTION, COURAGE, COMMITMENT



MILITARY CULTURE: BRANCH  
DIFFERENCES & IDENTITY

# OVERVIEW OF EACH BRANCH:

## U.S. ARMY

- OLDEST BRANCH (ESTABLISHED 1775)
- PRIMARY ROLE: GROUND BASED OPERATIONS
- KNOWN FOR: SIZE, STRUCTURE, & GLOBAL DEPLOYMENTS
- CULTURAL VALUES: DUTY, HONOR, DISCIPLINE
- LEGAL RELEVANCE: HIGH RATE OF COMBAT EXPOSURE; MAY CARRY SIGNIFICANT TRAUMA OR LOSS EXPERIENCES

## U.S. MARINE CORPS

- ELITE GROUND COMBAT FORCE WITHIN THE DEPARTMENT OF THE NAVY
- KNOWN FOR: AGGRESSIVE COMBAT READINESS, DISCIPLINE, AND UNIT LOYALTY
- MOTTO: SEMPER FIDELIS (ALWAYS FAITHFUL)
- CULTURAL VALUES: TOUGHNESS, LOYALTY, BROTHERHOOD
- LEGAL RELEVANCE: STRONG WARRIOR ETHOS CAN MASK TRAUMA; RELUCTANT TO SHOW VULNERABILITY

# OVERVIEW OF EACH BRANCH:

## U.S. NAVY

- PRIMARY ROLE: MARITIME OPERATIONS, GLOBAL PRESENCE
- CULTURAL VALUES: HONOR, COURAGE, COMMITMENT
- SPECIAL FORCES: SEAL, EOD
- LEGAL RELEVANCE: LONG SEA DEPLOYMENTS MAY IMPACT FAMILY RELATIONSHIPS, MENTAL HEALTH AND SUBSTANCE ABUSE

## U.S. AIR FORCE

- ROLE: AIR AND SPACE SUPERIORITY, CYBER OPERATIONS
- KNOWN FOR: TECHNOLOGY, INTELLIGENCE, STRUCTURE
- CULTURAL VALUES: PRECISION, HIERARCHY, TECHNICAL EXPERTISE
- LEGAL RELEVANCE: MANY VETERANS SERVED IN SUPPORT OR COMMAND ROLES AND MAY HAVE LESS DIRECT COMBAT EXPOSURE

# OVERVIEW OF EACH BRANCH:

## U.S. COAST GUARD

- ROLE: MARITIME LAW ENFORCEMENT, SEARCH AND RESCUE, HOMELAND SECURITY
- PEACETIME AND WARTIME OPERATIONS (CAN SERVE UNDER DHS AND DOD)
- CULTURAL VALUES: SERVICE TO OTHERS, VIGILANCE, MARITIME SAFETY
- LEGAL RELEVANCE: HIGH EXPOSURE TO TRAUMATIC EVENTS DURING RESCUE/RECOVERY MISSIONS; OFTEN OVERLOOKED IN VETERAN SERVICES

## U.S. SPACE FORCE

- NEWEST BRANCH (ESTABLISHED 2019)
- ROLE: SPACE OPERATIONS, SATELLITE DEFENSE, CYBER CAPABILITIES
- CULTURAL VALUES: INNOVATION, PROTECTION OF NATIONAL ASSETS.
- LEGAL RELEVANCE: CURRENTLY SMALL AND SPECIALIZED BUT EXPANDING



# RANK AND STRUCTURE

- TWO MAJOR TIERS:
  - ENLISTED
  - OFFICER (COMMISSIONED & WARRANT)

RANK AFFECTS MINDSET,  
COMMUNICATION STYLE, SELF-ADVOCACY

RESPECT FOR HIERARCHY IS DEEPLY  
ENGRAINED

Military Slang That  
Works at Home

TERMINOLOGY/ MILITARY  
JARGON



## TERMINOLOGY/MILITARY JARGON

- MILITARY COMES WITH ITS OWN
  - LANGUAGE
  - CODES
  - EXPRESSIONS
- PURPOSE: EFFICIENCY, UNITY, AND IDENTITY
- EXAMPLES:
  - WENT UA (AWOL)
  - ARTICLE 15'D
  - CHAIN OF COMMAND
  - CONUS/OCONUS
  - BRASS / TOP HEAVY
  - "I GOT SMOKED"

*Use of operational terms may minimize trauma*



MILITARY CULTURE:  
SIGNIFICANCE OF  
UNITS/PATCHES/AWARDS

# HOW THE NEXT FEW SLIDES CAN HELP YOU PROVIDE STELLAR REPRESENTATION?

THEY PROVIDE YOU WITH THE INFORMATION YOU NEED TO TELL THE JUDGE OR JURY YOUR  
CLIENT'S STORY

# MILITARY CULTURE: UNITS

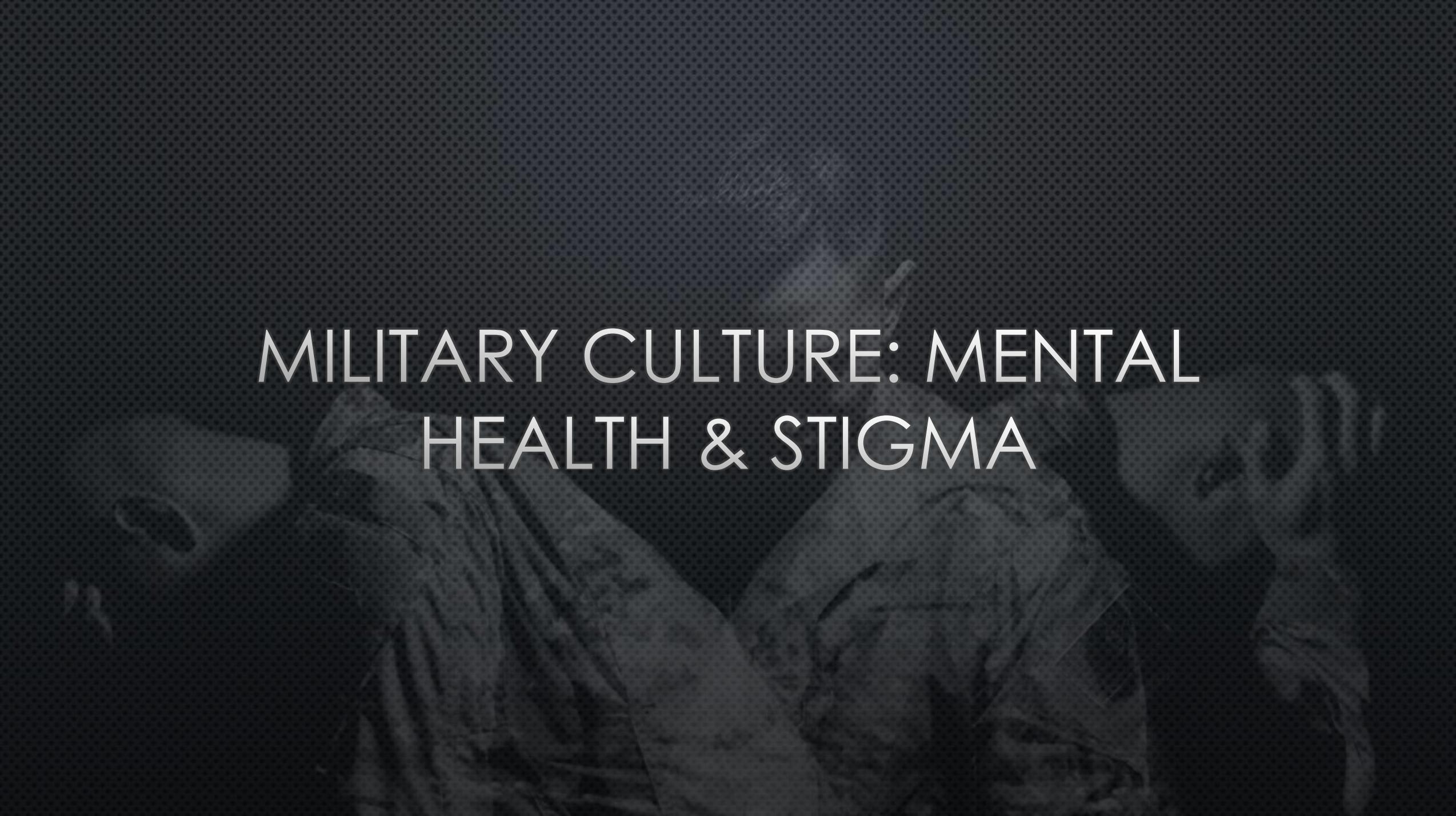
- VETERANS CORE IDENTITY
- REPUTATIONAL WEIGHT
- OPERATE LIKE FAMILIES

# MILITARY CULTURE: PATCHES

- STORYTELLING TOOL
- UNIT/COMBAT IDENTIFICATION
- QUALIFICATIONS

# MILITARY CULTURE: AWARDS

- RECOGNIZE ACHIEVEMENT
- HUMANIZE THE VETERAN
- REVEAL BURDEN



MILITARY CULTURE: MENTAL  
HEALTH & STIGMA

# HOW THE NEXT FEW SLIDES CAN HELP YOU PROVIDE STELLAR REPRESENTATION?

UNDERSTANDING YOUR CLIENT'S MENTAL HEALTH DIAGNOSIS AND HOW THEY MAY HAVE DEVELOPED HELPS YOU TO CREATE A PLAN OF ACTION, FOR EXAMPLE:

- IN A CRIMINAL MATTER, YOU MAY WANT TO CONSIDER VETERANS TREATMENT COURT OR A DELAY IN THE PROCEEDINGS WHILE YOUR CLIENT SEEKS TREATMENT
- IN FAMILY COURT, YOU MAY WANT TO CONSIDER A DELAY IN PROCEEDINGS WHILE YOUR CLIENT SEEKS TREATMENT, OR SUGGEST ENGAGING THE FAMILY IS A COURSE OF TREATMENT TOGETHER

# MENTAL HEALTH & STIGMA

- MISSION FIRST, SELF LAST
- FEAR OF CAREER CONSEQUENCES
- INVISIBLE INJURIES AND CULTURAL BLIND SPOTS
- SELF STIGMA AND IDENTITY CONFLICT
- THE CIVILIAN GAP

# KEY ASPECTS OF MILITARY LIFE AND ITS LEGAL IMPLICATIONS

- A. DEPLOYMENT AND COMBAT EXPOSURE
- B. MILITARY TRAINING AND CONDITIONING
- C. MILITARY JUSTICE (UCMJ) VS. CIVILIAN JUSTICE
- D. TRANSITION TO CIVILIAN LIFE

# KEY ASPECTS OF MILITARY LIFE AND ITS LEGAL IMPLICATIONS

- DEPLOYMENT AND COMBAT EXPOSURE
  - DIRECT ENGAGEMENT WITH ENEMY FORCES
  - NOT ALWAYS IMMEDIATELY VISIBLE (MH)
  - CYCLE OF ANTICIPATION
  - CONDITIONED RESPONSES

# KEY ASPECTS OF MILITARY LIFE AND ITS LEGAL IMPLICATIONS

- MILITARY TRAINING AND CONDITIONING
  - EXPOSURE TO SIMULATED COMBAT STRESS
  - NEW IDENTITY CENTERED ON DISCIPLINE
  - CREATES CONDITIONED BEHAVIORS

# KEY ASPECTS OF MILITARY LIFE AND ITS LEGAL IMPLICATIONS

- MILITARY JUSTICE (UCMJ) VS. CIVILIAN JUSTICE
  - MILITARY LAW W/ CIVILIAN CONSEQUENCES
  - RIGHTS AND DUE PROCESS

# KEY ASPECTS OF MILITARY LIFE AND ITS LEGAL IMPLICATIONS

- TRANSITION TO CIVILIAN LIFE
  - LOSS OF STRUCTURE
  - LOSS OF IDENTITY
  - DIMINISHED SENSE OF COMMUNITY
  - EMOTIONAL IMPACT



EFFECTIVE LEGAL STRATEGIES FOR WORKING  
WITH VETERANS AND SERVICE MEMBERS

# EFFECTIVE LEGAL STRATEGIES FOR WORKING WITH VETERANS AND SERVICE MEMBERS

- A. TRAUMA-INFORMED LEGAL REPRESENTATION
  - BUILD TRUST
  - CREATE SAFE ENVIRONMENT
  - EMPOWER VETERAN
  - UNDERSTAND REACTIONS

# EFFECTIVE LEGAL STRATEGIES FOR WORKING WITH VETERANS AND SERVICE MEMBERS

- B. VETERAN SPECIFIC DIVERSION AND SENTENCING OPTIONS
  - VTC
  - PRETRIAL DIVERSION OPTIONS
  - POST CONVICTION SENTENCING OPTIONS
  - DEFERRED SENTENCING AND PROBATION OPTIONS

# EFFECTIVE LEGAL STRATEGIES FOR WORKING WITH VETERANS AND SERVICE MEMBERS

- C. MITIGATION SPECIALIST AND MILITARY RECORDS IN LEGAL CASES
  - INVOLVEMENT OF MITIGATION SPECIALIST
  - COLLECTION/USE OF MILITARY RECORDS

# LEGAL TOOLS AND PROGRAMS

- NYSDA VDP: MITIGATION STRATEGIES
- VETERAN TREATMENT COURTS
- VETERAN SPECIFIC RESOURCES (VA, VET CENTERS, NON PROFIT)
- VA JUSTICE OUTREACH (VJO)
- PEER MENTORSHIP



# WOMEN IN THE MILITARY

# WOMEN IN THE MILITARY

- SERVED SINCE THE REVOLUTIONARY WAR
- OFFICIALLY SINCE 1948 (WOMEN'S ARMED SERVICES INTEGRATION ACT)
- MAKE UP 27% OF ALL ACTIVE DUTY PERSONNEL
- COMPOUNDED CHALLENGES BY UNIQUE STRESSORS (GENDER DISCRIMINATION)

A group of diverse people, including men and women of various ethnicities, are seated around a table. The image is dark and features a prominent grid pattern overlaid on the scene. The text 'DIVERSITY & INCLUSION' is centered in white, bold, uppercase letters.

# DIVERSITY & INCLUSION

# RACE & ETHNICITY IN MILITARY INCLUSION

- PEOPLE OF COLOR COMPRISE 43% OF ACTIVE DUTY (DoD 2023)
- RACIAL DISPARITIES PERSIST IN PROMOTIONS, LEADERSHIP AND DISCIPLINARY ACTIONS

# LGBTQ+ INCLUSION IN THE MILITARY

- DON'T ASK, DON'T TELL
- 6.1% OF SMS IDENTIFY AS LGBT
- POLICY CHANGES
- BARRIERS TO FULL PARTICIPATION



# INTERSECTIONALITY

# CONCLUSION & Q&A

- MILITARY IDENTITY RUNS DEEP
- CULTURE AFFECTS COMMUNICATION
- SERVICE MATTERS
- JUSTICE MUST BE ADEPT
- YOU MAKE THE DIFFERENCE

Q & A

