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Judge Advocates Have Key Role In Helping to Prevent Servicemember Suicides

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By David M. Bizar

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Servicemember suicide is at an all-time high. The Congressional Quarterly has reported that in the past year the American military has lost more active duty and reservists to suicide than to combat deaths in the same time period in Afghanistan and Iraq combined. Servicemembers often turn to Judge Advocates (JAs) for help with their personal issues, which can be more debilitating to them than battlefield stress. Indeed, servicemembers may be more likely to reveal their innermost struggles to JAs than to anyone else because of the attorney-client privilege.

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While an attorney's role is to give sound legal advice, servicemembers can require more than just legal help. In 1995, when I was a legal assistance attorney fresh out of law school serving with the 1st Cavalry Division, a soldier visited me with a tragic family problem for which there was no legal cure. The soldier left my office looking every bit as solid as a recruiting photo, but on the inside, he was feeling utterly dejected and lost. Within a few hours, he tried to end his life. Thankfully, a point on which I reflect back often, he did not succeed and his commander ensured that he got the help that he needed. One of my superiors was not so fortunate. Years earlier, he had had an eerily similar episode in which hours after he gave grim legal advice to a soldier, the soldier killed himself with a shotgun. Our shared experience was one that neither of us wished we had in common.

Red Flags

While it would be neither realistic nor fair to expect Judge Advocates to have the diagnostic skills of trained mental health professionals, JAs must be trained to identify the patent warning signs and steer at risk servicemembers to the appropriate resources. The Army has reported to Congress that more than seventy percent of Army suicides are committed by servicemembers experiencing strain, failure, or loss of intimate personal relationships. Other motives for suicide may include financial and occupational problems, as well as legal problems generally. Deployed servicemembers particularly are less able to cope with caring for distressed

family members and attending to their and their loved one's troubles back home. Relationship problems are such a prevalent cause of severe stress that the Army is now placing military family life consultants in units at the battalion level.

Every case is different, but there are common red flags. People who are despondent, ignoring their personal property and affairs, suddenly disposing of their property, expressing thoughts about death, or otherwise behaving erratically are particularly at risk for suicide. When speaking with servicemembers, JAs should listen carefully for expressions of loneliness, worthlessness, hopelessness, helplessness, guilt, shame or depression. Depression generally can include decreased pleasure in one's life activities, changing appetite and weight, anxiety, low self-esteem, agitation, increase in drug or alcohol consumption, disturbed sleep patterns, mental or physical fatigue, and memory and concentration problems.

Seeking Help

Judge Advocates should suggest that distressed servicemembers consider seeing a military counselor, particularly when the JAs are the bearers of bad or worse news to servicemembers who are experiencing trauma in their personal lives. JAs can also facilitate servicemembers' desires to obtain mental health counseling by helping them understand that they may need it and that accepting counseling does not affect one's status in the military. If servicemembers appear to pose an imminent risk of serious bodily injury or certain death to themselves or others, depending upon their particular service regulatory and state bar ethical constraints, the JAs may also have the option, or the obligation, to divulge privileged information in order to prevent such harm. For example, Rule 1.6(b)(1) of the American Bar Association's Model Rules on Professional Conduct states that "[a] lawyer may reveal information relating to the representation of a client to the extent the lawyer reasonably believes necessary to prevent reasonably certain death or substantial bodily harm." And consistent with such ethical and legal constraints, JAs may advocate directly that these at-risk servicemembers receive all necessary and appropriate care.

A major obstacle to servicemembers receiving care is that they may feel that their acceptance of mental health care is a sign of weakness that can lead to separation from the service or denial of promotion, loss of security clearance and job function, and the loss of the respect of their superiors and peers. The military is attacking this stigma through educational programs about mental health, but some servicemembers may still be unwilling to advocate for themselves because they think they will be stigmatized. Overcoming this fear is where JAs can help most.

Education and Prevention

The Army, the hardest-hit branch of the military, has several policy documents on suicide (see, [Army Suicide Prevention Program,](#)

[Policy Page](#)). Many of the regulations outline the important role that commanders play in suicide prevention. For example, under Army Regulation 600-63 and Department of the Army Pamphlet 600-24, commanders at every level are required to be sensitive and responsive to soldiers, Army civilians, family members, and retirees. This in turn helps to reduce the stigma associated with asking for mental health assistance, refer potentially at risk soldiers to appropriate mental health resources, and implement training and resource programs on suicide awareness. The Army's policy encourages an open and resourceful environment. Judge Advocates are uniquely situated to ensure that local command and unit practices coincide with military policy.

For more information on each military branch's programs, policies, and services concerning suicide prevention, please access the following web sites:

- [Army Suicide Prevention Program](#)
- [Marine Corps Suicide Prevention Program](#)
- [Air Force Suicide Prevention Program](#)
- [Navy Suicide Prevention Program](#)
- [Coast Guard Suicide Prevention Program](#)

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