

September 2016

The Big Lebowski: The Dude's Lessons in Law and Leadership for Military and National Security Attorneys

Ryan A. Little
Judge Advocate, United States Army

Follow this and additional works at: <http://digitalcommons.pace.edu/plr>

 Part of the [Legal Ethics and Professional Responsibility Commons](#), [Military, War, and Peace Commons](#), and the [National Security Law Commons](#)

Recommended Citation

Ryan A. Little, *The Big Lebowski: The Dude's Lessons in Law and Leadership for Military and National Security Attorneys*, 37 Pace L. Rev. 191 (2016)

Available at: <http://digitalcommons.pace.edu/plr/vol37/iss1/6>

***The Big Lebowski*: The Dude's Lessons In Law And Leadership For Military And National Security Attorneys**

Major Ryan A. Little¹

ABSTRACT

The Big Lebowski is a cultural phenomenon that has prompted academic research into the nature of cult cinema, provided fodder for a host of law review quotes, and motivated a tradition of fan festivals and midnight screenings. However, most viewers do not realize that *The Big Lebowski* also serves as an engaging training tool for military and national security attorneys.

Disguised as an impish play on film noir and hard-boiled detective fiction, *The Big Lebowski's* unpretentious treatment of delicate topics contains poignant lessons for military and national security attorneys that include: (1) the risks facing national security attorneys when they lose focus on their professional and moral responsibilities, (2) the unexpected ways military attorneys should expect to encounter mental health concerns and post-traumatic stress disorder (PTSD), (3) the importance of values and how they impact the success of a national security legal office, and (4) the role of the attorney in military operations. Military and national security attorneys who adopt the lessons of *The Big Lebowski* will be better lawyers and leaders.

1. Judge Advocate, United States Army. The author is stationed at the United States Military Academy at West Point. The author previously led one of the military's busiest prosecutor's offices and prosecuted a high-profile war crimes trial from the war in Afghanistan. Highlights of the author's decade in the military include serving as a paratrooper with the 82d Airborne Division and deploying with the 3d Armored Cavalry Regiment to Mosul, Iraq when it was the main operation of the war. The opinions in this Article represent the personal views of the author and do not represent the official position of the United States government.

*The Dude abides. I don't know about you, but I take comfort in that. It's good knowin' he's out there, the Dude, takin' her easy for all us sinners . . . I sure hope he makes the finals.*²

- A. Intro: "Nobody calls me Lebowski. You got the wrong guy. I'm the Dude, man!"³

Few motion pictures have had such a powerful impact on their viewers that they inspire new religions. Yet *The Big Lebowski* has done that and more. The playful faith of Dudeism draws its teachings from the laid-back lifestyle of "the Dude," the main character in *The Big Lebowski*.⁴ In comments that describe the appeal of both Dudeism and *The Big Lebowski*, the Dudely Lama explains that after first watching the film, "[he] felt as if [he'd] seen a story that put all the difficulties of modern life into a manageable perspective. And it was probably the most touchingly funny film [he'd] ever seen."⁵ Dudeism now boasts over 220,000 ordained ministers worldwide and has been featured on both *CNN* and *Nightline*.⁶ Beyond its spiritual impact, *The Big Lebowski* is a cultural phenomenon that has spawned fan festivals, midnight screenings, non-fiction books, and academic research into the nature of cult cinema.⁷ The allure of *The Big Lebowski* lies in

2. Narrated by the Stranger and referring to the local bowling league finals. *THE BIG LEBOWSKI* (Polygram Filmed Entertainment & Working Title Films 1998).

3. *Id.*

4. DUDEISM, <http://www.dudeism.com> (last visited Oct. 24, 2016). Dudeism is also heavily influenced by Taoism and Epicureanism. *Id.*

5. Richard S. Ehrlich, *The Man Who Founded a Religion Based on 'The Big Lebowski'*, CNN (Mar. 20, 2013), <http://www.travel.cnn.com/bangkok/life/doctrine-chiang-mais-church-latter-day-dude-explained-206793>. The Dudely Lama is the founder of Dudeism. *Id.*

6. DUDEISM, *supra* note 4; *Nightline* (ABC television broadcast Aug. 24, 2012).

7. See Barbara Klinger, *Becoming Cult: The Big Lebowski, Replay Culture and Male Fans*, SCREEN, Spring 2010, at 1; Jason Guerrasio, *The Dude Abides: The Cult of The Big Lebowski*, FOCUS FEATURES (Sept. 5, 2008), http://www.focusfeatures.com/article/the_dude_abides_the_cult_of_the_big_lebowski; LEBOWSKIFEST, <https://www.lebowskiest.com> (last visited Oct. 25,

its memorable characters, its coy treatment of themes that resonate deeply with fans, and its abundance of quotable lines that have grown into a secret language for aficionados.⁸

Yet most viewers do not realize that *The Big Lebowski* is also a leadership primer for military and national security attorneys (judge advocates, Department of Defense attorneys, NSA attorneys, etc.). First, this Article explores the film's plot and major themes. Second, this Article pins a quill and sword on the Dude's chest and highlights the most poignant lessons military and national security attorneys may draw from *The Big Lebowski*.

B. The Film Itself: "Donnie, you're out of your element!"⁹

The plot of *The Big Lebowski* is an impish play on film noir and hard-boiled detective fiction.¹⁰ However, this time trouble finds a lazy ex-hippie and an out-of-touch Vietnam veteran instead of the smooth-talking and quick-witted Humphrey Bogart of classic film noir.¹¹ In a case of mistaken identity, two thugs confuse an unemployed slacker nicknamed "the Dude" (but named Jeffrey Lebowski) for a wealthy man also named

2016).

8. See Guerrasio, *supra* note 7 (explaining the secret language of Little Lebowski Urban Achievers, as fans of the film call themselves). An Achiever may sit down at a bar and say, "[t]wo oat sodas, Gary" to check whether fellow Achievers are present. *Id.*; see also Major Benjamin M. Owens-Filice, "Where's the Money Lebowski?"—Charging Credit and Debit Card Larcenies Under Article 121, *UCMJ, ARMY LAW.*, Nov. 2014, at 3, [https://www.jagcnet.army.mil/DOCLIBS/ARMYLAWYER.NSF/c82df279f9445da185256e5b005244ee/3d634e6454c402dd85257d9c0048f968/\\$FILE/By%20Major%20Benjamin%20M.%20Owens-Filice.pdf](https://www.jagcnet.army.mil/DOCLIBS/ARMYLAWYER.NSF/c82df279f9445da185256e5b005244ee/3d634e6454c402dd85257d9c0048f968/$FILE/By%20Major%20Benjamin%20M.%20Owens-Filice.pdf) (using title to slyly show author is a Little Lebowski Urban Achiever).

9. Stated by Walter to Donnie in a clueless allusion to the underlying conceit of the film. See *THE BIG LEBOWSKI*, *supra* note 2, at 8:28.

10. See *THE MAKING OF THE BIG LEBOWSKI* (Universal Studios 2005) at 4:30-6:15, <https://www.youtube.com/watch?v=HDGsFNUltUQ>; Christopher Orr, *30 Years of Coens: The Big Lebowski*, *THE ATLANTIC* (Sept. 16, 2014), <http://www.theatlantic.com/entertainment/archive/2014/09/30-years-of-coens-the-big-lebowski/380220/> (describing the film as "Raymond Chandler in a bowling alley").

11. Compare *THE BIG LEBOWSKI*, *supra* note 2 (portraying sleuthing and kidnapping), with *THE MALTESE FALCON* (Warner Bros. 1941) (portraying sleuthing and kidnapping).

Jeffrey Lebowski.¹² Tragically, an attempt to collect the wrong Jeffrey Lebowski's debt leads one of the thugs to urinate on the rug that really tied the Dude's whole room together.¹³ After a memorable bowling alley exchange discussing unchecked aggression and drawing a line in the sand, the Dude sets out to make the other Jeffrey Lebowski replace his soiled rug.¹⁴ This ultimately leads the Dude (played by Jeff Bridges) and his two hapless bowling buddies—Walter (John Goodman) and Donnie (Steve Buscemi)—on a Southern Californian odyssey filled with sleuthing, kidnappings, German nihilists, and angry marmots.¹⁵

While *The Big Lebowski*'s plot is not as disciplined and inventive as other films by the critically acclaimed Coen brothers,¹⁶ viewers should bear in mind that this film's meandering plot is merely a tool to playfully delve into deeper ideas and set up memorable scenes.¹⁷ First, the conceit underlying the entire film is exploring the effects of throwing the least prepared person into the most complicated situations.¹⁸ The Dude (an unemployed, aging pothead) faces a series of complex moral and strategic dilemmas that would challenge even highly-trained professionals. Because everyone has felt daunted by a new challenge at some point, this conceit sets the stage for viewers from widely different walks of life to connect with the film. Indeed, the Dude's highs and lows will seem quite familiar to a young military prosecutor thrown into the fire or a judge advocate who must learn an entirely new job

12. THE BIG LEBOWSKI, *supra* note 2.

13. *Id.*

14. *Id.*

15. *Id.*

16. See Finlo Rohrer, *Is The Big Lebowski a Cultural Milestone?*, BBC NEWS (Oct. 10, 2008), http://news.bbc.co.uk/2/hi/uk_news/magazine/7662943.stm (discussing criticism of the film's plot and comparing it to *Fargo*).

17. See THE MAKING OF THE BIG LEBOWSKI, *supra* note 10, at 5:48-5:50 (Joel Coen explains, "[t]he plot is sort of secondary to the other things" in *The Big Lebowski*). Additionally, note that the mid-century hardboiled detective cinema mimicked in *The Big Lebowski* attached more value to individual scenes and less value to "the careful alignment of details that enabled the mystery to be solved" than modern mystery fiction does. See Orr, *supra* note 10.

18. THE MAKING OF THE BIG LEBOWSKI, *supra* note 10, at 1:43-1:50.

every year.¹⁹

Second, *The Big Lebowski* is a political comedy that mashes up and explores competing ideologies without taking on an air of self-importance.²⁰ Jeffrey Lebowski is a pro-business right-winger, while his stepdaughter, Maude, is a left-wing feminist.²¹ Walter is a neoconservative,²² while Smokey (a bowling league rival) is a pacifist. Even the German nihilists have a philosophy²³ against philosophy (at least, they do until the neoconservative Walter tests their resolve and they whiningly invoke a philosophy of distributive justice). The Coen brothers provide deft social commentary through the interaction of these avatars and the competing ideologies they represent.

Third, *The Big Lebowski* is a buddy film²⁴ with challenging extra layers of reflection. The Dude was a Vietnam War protestor who now makes a lifestyle of smoking marijuana and following the path of least resistance. On the other hand, Walter is an uptight combat veteran who remains fixated on the Vietnam War and standing up to “unchecked aggression.”²⁵ They are opposites, but they need each other. Walter motivates the Dude to stand up for himself and provides the brawn when diplomacy fails. The Dude keeps Walter from shooting innocent people at their bowling league or otherwise blowing small things out of proportion. The symbiosis between Walter and the Dude holds lessons of balance that apply from small unit military leadership to the realm of great power

19. It is common for military prosecutors to prosecute complicated jury trials within their first few months on the job. *See generally Army JAG Corps*, U.S. ARMY, <http://www.goarmy.com/jag/jag-areas-of-practice.html> (last visited Oct. 25, 2016). Additionally, new judge advocates commonly rotate between practice areas every six months to a year. *See OFFICE OF THE JUDGE ADVOCATE GEN.*, U.S. DEP’T OF ARMY, PUBLICATION 1-1, PERSONNEL POLICIES ¶ 5-1 (Sept. 19, 2016). Yet unlike a young judge advocate, the Dude lacks a legal technical chain of command that can provide perspective and advice. *See U.S. DEP’T OF ARMY, FIELD MANUAL 1-04, LEGAL SUPPORT TO THE OPERATIONAL ARMY* ¶ 4-23 (Mar. 18, 2013).

20. *See Orr, supra* note 10.

21. *Id.*

22. *Id.*

23. *Id.*

24. *See THE MAKING OF THE BIG LEBOWSKI, supra* note 10, at 12:14.

25. *See THE BIG LEBOWSKI, supra* note 2.

diplomacy.²⁶

Ultimately, *The Big Lebowski* is highly entertaining cinema. Its quotable lines and focus on individual scenes make the film ideal for a lighthearted evening with friends over a few “Caucasians.”²⁷ Yet its unpretentious treatment of delicate topics also provides entertainment for a more cerebral audience. The film deserves its place among the royalty of cult cinema.

C. Cultural Knowledge Matters: “Careful, man! There’s a beverage here!”²⁸

This Article now shifts its focus away from the film itself and towards a discussion of the wisdom *The Big Lebowski* holds for military and national security attorneys. *The Big Lebowski*’s first lesson is that cultural knowledge about our allies matters in the dual professions of arms and the law. During the Iraq surge, this author spotted a large sign outside of a Morale, Welfare, and Recreation (MWR) facility advertising that they were “giving away virgin Caucasians”²⁹ at a midnight screening of *The Big Lebowski*. At the time, coalition forces were conducting a major charm offensive to win over local Iraqi leaders and frequently invited them to the forward operating base.³⁰ Given its prominent location, local tribal leaders certainly saw the sign. What would religiously conservative Iraqis think of coalition forces if they misunderstood the sign as advertising sexual debauchery? Given the importance of winning hearts and minds in counterinsurgency doctrine, the well-meaning (but inappropriate) MWR sign is a lighthearted example of how

26. See JAMES E. BAKER, IN THE COMMON DEFENSE: NATIONAL SECURITY LAW FOR PERILOUS TIMES 183 (2007) (discussing the War Powers Resolution’s origins as a balance against an excessively hawkish executive branch).

27. A “Caucasian,” slang for a “white Russian,” is the type of cocktail favored by the Dude. See THE BIG LEBOWSKI, *supra* note 2.

28. *Id.*

29. *Supra* note 27 and accompanying text.

30. See generally U.S. DEP’T OF ARMY, FIELD MANUAL 3-24, COUNTERINSURGENCY (Dec. 2006) [hereinafter COUNTERINSURGENCY] (describing the counterinsurgency doctrine that informed operations in Iraq during the surge).

cultural misunderstandings can undermine a military organization's primary mission.³¹

Military and national security attorneys can build trust and increase their influence within the command by leaning forward to prevent cultural misunderstandings with our partners. The broad professional and educational backgrounds of judge advocates make them uniquely prepared to identify culturally inappropriate decisions before they leave the planning stages. Further, military commanders expect judge advocates to organize rules of engagement (ROE) training prior to unit deployments.³² Savvy judge advocates could either build cultural discussion into ROE training or work with planners to ensure cultural awareness scenarios are integrated into the unit's pre-deployment training exercises. A military attorney who prevents a trust-damaging cultural misunderstanding may end up with a commander who wants to buy him a "Caucasian."

- D. PTSD Matters: "Smokey, this isn't 'Nam, this is bowling! There are rules! . . . Has the whole world gone crazy?! Am I the only one around here who gives a [expletive] about the rules?! Mark it zero!"³³

31. See COUNTERINSURGENCY, *supra* note 30, at ¶¶ 1-50, A-16, A-26, A-41; Daveed Gartenstein-Ross & Sterling Jensen, *The Role of Iraqi Tribes After the Islamic State's Ascendance*, MILITARY REVIEW, July-Aug. 2015, at 102, 103-05 (discussing how al-Qaida's disregard for cultural, religious, and tribal aspects of local Iraqi culture helped turn Sunni tribes against them during the "Sunni Awakening" of 2007-08); Montgomery McFate, *The Military Utility of Understanding Adversary Culture*, JOINT FORCE QUARTERLY, July 2005, at 42. See also Alissa J. Rubin, *Obama Sends Apology as Afghan Koran Protests Rage*, N.Y. TIMES (Feb. 23, 2012), http://www.nytimes.com/2012/02/24/world/asia/koran-burning-afghanistan-demonstrations.html?_r=0 (reporting that the culturally ignorant decision by U.S. military personnel to burn Korans triggered days of riots in Afghanistan and is tied to the deaths of two United States service members); Tony Karon, *How the Prison Scandal Sabotages the U.S. in Iraq*, TIME (May 4, 2004), <http://content.time.com/time/world/article/0,8599,632967,00.html> (reporting the impact of the Abu Ghraib detainee abuse photographs on the U.S. military mission in Iraq).

32. See THE JUDGE ADVOCATE GEN.'S LEGAL CTR. & SCH., U.S. DEPT OF ARMY, OPERATIONAL LAW HANDBOOK 79 (2014).

33. Stated by Walter to Smokey during a scoring dispute while bowling. THE BIG LEBOWSKI, *supra* note 2.

The Big Lebowski's second lesson for military and national security attorneys is that they should expect to encounter post-traumatic stress disorder (PTSD) in unexpected ways. Walter threatens Smokey with a pistol during a bowling dispute, transforms minor grievances into melodramatic stands against "unchecked aggression,"³⁴ fixates on the importance of rules, and weirdly divides the world between veterans and "amateurs."³⁵ Walter's inappropriately aggressive behavior and distorted beliefs about the world are hallmarks of PTSD.³⁶

Military attorneys must be prepared to recognize PTSD in situations beyond the obvious combat scenarios.³⁷ Military prosecutors, defense counsels, and investigators are at risk of PTSD due to their prolonged exposure to cases involving violent crime and sexual violence.³⁸ Deployed brigade/command judge advocates and operational law attorneys are at risk of PTSD due to their involvement with life-or-death decisions, even if they are never actually exposed to physical danger.³⁹ Finally, military attorneys with highly stressful duties are at risk of operational stress even outside of deployed environments.⁴⁰ Operational stress has symptoms similar to PTSD but occurs in response to mental and emotional stress rather than exposure to violence or physical danger.⁴¹ Military attorneys must understand PTSD and operational stress in order to take care of their teammates,

34. *Id.*

35. *Id.*

36. See AM. PSYCHIATRIC ASS'N, DIAGNOSTIC & STATISTICAL MANUAL OF MENTAL DISORDERS 271-80 (5th ed. 2013) [hereinafter AM. PSYCHIATRIC ASS'N].

37. See Major Evan R. Seamone, *Sex Crimes Litigation as Hazardous Duty: Practical Tools for Trauma-Exposed Prosecutors, Defense Counsel, and Paralegals*, 11 OHIO ST. J. CRIM. L. 487 (2014); AM. PSYCHIATRIC ASS'N, *supra* note 36.

38. See Seamone, *supra* note 37; AM. PSYCHIATRIC ASS'N, *supra* note 36, at 271-80.

39. See AM. PSYCHIATRIC ASS'N, *supra* note 36, at 271-80.

40. See *The Stress Continuum*, NAVAL CTR. FOR COMBAT & OPERATIONAL STRESS CONTROL, <http://www.med.navy.mil/sites/nmcsc/nccosc/serviceMembersV2/stressManagement/theStressContinuum/Pages/default.aspx> (last visited Oct. 25, 2016). Chiefs of military justice and trial counsels are at risk of operational stress. See *id.*

41. See *id.*

their clients, and themselves.⁴²

- E. Values Matter: “We believe in nothing, Lebowski. Nothing. And tomorrow we come back and cut off your chohnson [sic].”⁴³

The Big Lebowski’s third lesson for military and national security attorneys is the importance of values and how they impact the success of a military legal office. The German nihilists were a team that believed in nothing, with a leader who believed in nothing. Their team grew demoralized and fell apart when faced with adversity. Ultimately, they failed (and their leader lost an ear) despite entering the climactic showdown with superior weapons and the advantage of surprise. The follies of the German nihilists remind military and national security attorneys that values matter in leadership.

Research highlights the role that values play in effective leadership. In *The Truth About Leadership*, two preeminent leadership experts describe ten fundamental leadership principles that have an empirical, research-based foundation.⁴⁴

42. See generally Dr. Larry Richard et al., *Increasing Lawyer Resilience: New Remedies from the Front Lines*, PROFESSIONAL DEVELOPMENT CONSORTIUM LINKLETTER, Summer 2013, at 1 (discussing low resilience to stress among attorneys and how they can become more resilient to stress); Captain Evan R. Seamone, *Attorneys as First-Responders: Recognizing the Destructive Nature of Posttraumatic Stress Disorder on the Combat Veteran’s Legal Decision-Making Process*, 202 MIL. L. REV. 144 (2009) (arguing judge advocates should embrace a first-responder role for PTSD in their clients); Martin E.P. Seligman, *Building Resilience*, HARV. BUS. REV., Apr. 2011, at 100, <https://hbr.org/2011/04/building-resilience> (discussing how resiliency training could reduce PTSD among professionals).

43. Stated by the German nihilists to the Dude. THE BIG LEBOWSKI, *supra* note 2.

44. JAMES M. KOUZES & BARRY Z. POSNER, THE TRUTH ABOUT LEADERSHIP: THE NO-FADS, HEART-OF-THE-MATTER FACTS YOU NEED TO KNOW v-xxi (2010). See also COLIN POWELL, IT WORKED FOR ME: IN LIFE AND LEADERSHIP 3-31 (2012) (describing thirteen rules of leadership that closely align with Professor Kouzes’ and Professor Posner’s ten truths); U.S. DEP’T OF ARMY, DOCTRINE PUBLICATION 6-22, ARMY LEADERSHIP ch. 3 (Aug. 2012) (discussing the important roles character and the Army Values play in Army leadership).

One of these fundamental leadership principles is “values drive commitment.”⁴⁵ This leadership principle provides several lessons that could help military and national security attorneys avoid the fate of the German nihilists. First, the research demonstrates that an attorney leader must be known as someone who will stand by his principles before he can become a leader who other attorneys or servicemembers willingly follow.⁴⁶ Second, the research shows that people feel the highest degree of commitment to an organization when they clearly understand both their own personal values and their organization’s values.⁴⁷ Accordingly, leaders in the Judge Advocate General’s Corps (JAGC) can build motivation and commitment within their organizations by being clear about the values that are personally important to them, being clear about the values that are important to the command (and their military service), and by encouraging introspection by individual members of their team.⁴⁸ Third, individuals cannot fully commit to an organization unless they sense a good fit with the organization’s values.⁴⁹ Therefore, military and national security attorneys need to listen to their teammates in order to understand their values and aspirations.⁵⁰ Only then can a leader in the national security community build and communicate the shared vision that is necessary to get the most out of his team.⁵¹ Finally, the better a military or national security attorney understands the values that are important to him, the better the attorney will be at making sense of the difficult and conflicting demands placed upon him every day.⁵² In other words, knowing one’s personal and

45. KOUZES & POSNER, *supra* note 44, at 29-45.

46. *See id.* at 34.

47. *See id.* at 35-38.

48. *See id.* at 35-38. Interestingly, people who have a high level of clarity regarding their own personal values tend to have higher levels of commitment to their organization regardless of whether the organization is clear or unclear about its values. *Id.* at 35-38. This suggests that mid-level judge advocates could mitigate the impact of a toxic leader simply by encouraging their teammates to be introspective regarding their own personal values. *See id.* at 35-38.

49. *See id.* at 39-43.

50. *See* KOUZES & POSNER, *supra* note 44, at 39-43.

51. *See id.*

52. *See id.* at 29-35. Additionally, Colin Powell describes two leadership

organizational values gives clarity to decision-making.

In summary, Professor James Kouzes and Professor Barry Posner demonstrate that military and national security attorneys would not be well-served by the German nihilist leadership model. Unlike the German nihilists, military attorneys must learn to embrace their own values, the values of their teams, and the values of their military services if they are to reach their full leadership potential.

F. Do Not Be Like the Malibu Police Chief: “Stay out of Malibu, Lebowski!”⁵³

The Big Lebowski’s fourth lesson for military and national security attorneys is to stay focused on their professional and moral responsibilities. The Malibu police chief abuses his authority by harassing and intimidating the Dude. He loses sight of his professional responsibility to the public and instead serves as a henchman for notorious pornographer Jackie Treehorn. As a result, the film portrays the police chief very unfavorably as a “[expletive] fascist.”⁵⁴

Like the Malibu police chief, military and national security attorneys walk a path fraught with peril when they lose sight of who their true client is. For example, a judge advocate’s client is always the Army as an institution.⁵⁵ Because the Army normally acts through its commanders and other officers, judge advocates normally advise the Army by advising its officers.⁵⁶ However, military attorneys must ultimately act to protect the interests of the Army when its interests diverge

rules dealing with the importance of values. First, “[d]on’t let adverse facts stand in the way of a good decision. Superior leadership is often a matter of superb instinct . . . [Y]our judgment will be needed to select from the best courses of action.” POWELL, *supra* note 44, at 12. Second, “[h]ave a vision. Be demanding . . . Purpose is the destination of a vision. It energizes that vision, gives it force and drive. It should be positive and powerful . . .” *Id.* at 24.

53. Stated by the Malibu police chief to the Dude. THE BIG LEBOWSKI, *supra* note 2.

54. *Id.*

55. U.S. DEPT OF ARMY, REG. 27-26, RULES OF PROFESSIONAL CONDUCT FOR LAWYERS Rule 1.13 (May 1, 1992) [hereinafter Rule 1.13]. Trial defense counsels and legal assistance attorneys have different attorney-client relationships. *See id.*

56. *See id.*

from those of a particular officer.⁵⁷ Further applying the logic implicit in rule 1.13 of the *Rules of Professional Conduct for Lawyers*, military attorneys should always focus their legal advice on the long-term interests of the institution (not what is expedient in the short-term for a particular commander).⁵⁸ For example, the relative ease of administrative separations may tempt commanders to pursue short-term local expediency at the expense of the military's institutional interests in using courts-martial to deter misconduct.⁵⁹ Alternatively, a commander may become so emotionally invested in a case that it calls into question the fairness and impartiality of the military justice process.⁶⁰ Additionally, groupthink and other cognitive biases—mixed with powerful personalities on a command team—may lead a commander and his staff to grow so enamored with a disastrous course of action that raising a voice of reasoned dissent would be difficult and unpopular.⁶¹ In

57. *See id.*

58. *See id.* Rule 1.13 focuses on the more extreme scenarios in which a commander violates the law or otherwise exposes the Army to unreasonable legal risk. *See id.* However, if a judge advocate's client is the Army, then it follows logically that the judge advocate's advice should be oriented towards the best interests of the Army rather than its individual officers or small units. *See id.*

59. *See* Captain David E. Grogan, *Stop the Madness! It's Time to Simplify Court-Martial Post-Trial Processing*, 62 NAVAL L. REV. 1, 28 (2013) (noting administrative actions increased as court-martials grew more complex, which could create a tension between the Army's interest in deterrence versus a small unit commander's interest in avoiding resource-intensive courts-martial). Because an administrative separation is fundamentally an employment decision, it may lack the deterrence effects that are important to maintaining good order and discipline across the Army. *Compare* U.S. DEP'T OF ARMY, REG. 635-200, ACTIVE DUTY ENLISTED ADMINISTRATIVE SEPARATIONS §§ 3-4 to 3-9 (June 6, 2005) (discussing characterization of service), *with* MANUAL FOR COURTS-MARTIAL, UNITED STATES, R.C.M. 1001, 1003 (2012) [hereinafter MCM] (describing sentencing theories and punishments available at court-martial).

60. *See* MCM, *supra* note 59, R.C.M. 102.

61. *See generally* MICHAEL R. GORDON & GENERAL BERNARD E. TRAINOR, COBRA II: THE INSIDE STORY OF THE INVASION AND OCCUPATION OF IRAQ (2006) (describing how leaders of the invasion and disastrous occupation sidelined advisors that contradicted their overly-optimistic assessment of conditions in Iraq). Groups composed of members with similar backgrounds (such as staffs composed of combat arms officers educated at the same service academy) are at high risk of cognitive biases that degrade the quality of their decision-making. *See generally* Donald C. Langevoort, *The Human Nature of Corporate Boards: Law, Norms and the Unintended Consequences of*

situations like these, military and national security attorneys have a professional and a moral responsibility to stand up and give the advice commanders might not want to hear. Remembering that their ultimate client is the military (and remembering the fate of the German nihilists) will help provide military attorneys with the perspective and resolve to show this form of moral courage.

G. Conclusion: “This aggression will not stand, man.”⁶²

The Big Lebowski would make a valuable addition to the film library of any judge advocate, Department of Defense, or National Security Agency attorney. Its unpretentious delivery of broadly resonating themes will appeal to viewers from widely different walks of life. Its quirky scenes and quotable lines have enough depth that viewers will catch something new every time they watch the film. But most importantly, the Dude’s adventures remind military and national security attorneys that cultural awareness matters, PTSD matters, values matter, and our moral and professional responsibilities matter. Attorneys who adopt the lessons of *The Big Lebowski* will be better leaders, lawyers, and officers.

Independence and Accountability, 89 GEO. L.J. 797 (2001) (applying insights from the fields of behavioral organization and social cognition to improve the quality of decision-making by corporate boards); Dick Scuttlebutt, *Colonel Finds Plenty of Supporting Evidence for Confirmation Bias Report*, DUFFEL BLOG (Jan. 28, 2015), <http://www.duffelblog.com/2015/01/colonel-opd-on-confirmation-bias-finds-plenty-of-supporting-evidence/> (using a humor blog to mock the prevalence of cognitive biases in the military).

62. Stated by the Dude to Mr. Lebowski, referring to the thugs who urinated on the rug that really tied his whole room together. THE BIG LEBOWSKI, *supra* note 2.