

## Cultural Considerations in Judging



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This session highlights considerations for federal, state, and local court judges when adjudicating cases involving individuals from military, immigrant, and Indigenous communities. The presenters will describe the unique community and cultural contexts that impact parties in a case. Each presenter will discuss examples of legal issues that might arise which are unique to these communities. From the Indigenous community perspective, Professor Hoss will explain Tribal sovereignty and Tribal court jurisdiction. From the military perspective, Col. Osborn will discuss jurisdictional issues between military and civilian justice systems, application of the Servicemembers' Civil Relief Act in civil cases, military consequences to servicemembers appearing in state criminal courts, and resources and initiatives such as Veterans Treatment Courts available to justice-involved servicemembers and veterans. And from the immigrant perspective, Attorney Zakaria will discuss how immigrants' navigation through our legal system is problematic and factors judges should take into consideration when immigrant litigants are before them.

### **Learning Objectives:**

By the end of this session, attendees will be able to:

- Recognize unique community and cultural contexts that may impact the parties in a case and why they are important.
- Identify legal issues unique to military, immigrant, and Indigenous communities
- Discuss cultural-specific challenges in the legal system and resources and remedies available to address them.

**Speakers:**



**Aila Hoss**, Associate Professor, Indiana University McKinney School of Law

Aila Hoss is an Associate Professor at Indiana University McKinney School of Law where she teaches and researches at the intersection of health law and federal Indian law. Professor Hoss practiced public health law as a staff attorney with the Centers for Disease Control and Prevention’s Public Health Law Program. Her work at CDC included supporting the agency’s Ebola Emergency Operations Center and serving as a faculty member for the agency’s Working Effectively with Tribal Governments course. She was previously an Assistant Professor and faculty advisor at the University of Tulsa College of Law’s Native American Law Center. Her scholarship has been published in notable legal and public health venues including the *Wisconsin Law Review*, *Nevada Law Journal*, *Public Health Reports*, and *Morbidity and Mortality Weekly Report*. Her advocacy work includes lending her expertise and offering trainings to health departments, nonprofit organizations, and policymakers. Professor Hoss began her academic career at IU McKinney as a visiting professor for three years with the Hall Center for Law and Health. She completed her BA at Emory University and her JD at the University of Oregon. She is an active member of the Indiana bar and a proud Iranian-American.



**Col. Tara Osborn**, Colonel, U.S. Army (Ret.)

Tara Osborn is a retired Army colonel and military lawyer who served as the 21<sup>st</sup> Chief Trial Judge of the U.S. Army. In that position, she presided over felony criminal trials, which included capital cases, oversaw judicial operations at military installations worldwide, and led all active duty and reserve judges of the Army Trial Judiciary. Before her appointment to the trial bench in 2007, she completed a U.S. Army War College fellowship as Special Counsel to the Assistant Attorney General, Civil Division, at the U.S. Department of Justice in Washington, DC.

Colonel Osborn retired from the military in 2017, having served over 29 years on active duty, with over two decades of trial experience as a prosecutor, litigation attorney, and military judge. A combat veteran of the Persian Gulf War with service in Iraq, she also served two tours along the Korean Demilitarized Zone. Her awards include the Legion of Merit, the Bronze Star Medal, and the U.S. Department of State Superior Honor Award.

An active leader in the American Bar Association (ABA), she is Past Chair of the National Conference of Specialized Court Judges and currently serves as an ABA Presidential appointee to the Judges’ Advisory Committee to the Standing Committee on Ethics and Professional Responsibility. She also currently serves on faculty of the National Judicial College at the University of Nevada, and as a member of the Military Justice Review Panel, a blue-ribbon commission chartered by Congress to review and assess the military justice system.



**Rafia Zakaria, Attorney, Journalist, Author**

Rafia Zakaria is a Pakistani-American attorney, feminist, journalist, and author.<sup>[1]</sup> Zakaria is a columnist for [Dawn](#). She has written for [The Nation](#), [Guardian Books](#), [The New Republic](#), [The Baffler](#), [Boston Review](#), and [Al Jazeera](#).<sup>[2]</sup> In 2021, she published a book titled *Against White Feminism*, in which she critiques the emphasis that conventional feminist thought places on the experiences of white women while excluding women of color. She served as a Director at Amnesty International USA 2009-2015