

THE NORTH CAROLINA STATE BAR

JOURNAL

SUMMER
2021



IN THIS ISSUE

- Time for Digital Justice Access Commission *page 8*
Continuing Legal Education Needs a Rework *page 10*
Why Attorneys Need Diversity and Inclusion Training *page 14*

THE
NORTH CAROLINA
STATE BAR
JOURNAL

Summer 2021

Volume 26, Number 2

Editor

Jennifer R. Duncan

© Copyright 2021 by the North Carolina State Bar. All rights reserved. Periodicals postage paid at Raleigh, NC, and additional offices. Opinions expressed by contributors are not necessarily those of the North Carolina State Bar. POSTMASTER: Send address changes to the North Carolina State Bar, PO Box 25908, Raleigh, NC 27611. The *North Carolina Bar Journal* invites the submission of unsolicited, original articles, essays, and book reviews. Submissions may be made by mail or email (jduncan@ncbar.gov) to the editor. Publishing and editorial decisions are based on the Publications Committee's and the editor's judgment of the quality of the writing, the timeliness of the article, and the potential interest to the readers of the *Journal*. The *Journal* reserves the right to edit all manuscripts. The *North Carolina State Bar Journal* (ISSN 10928626) is published four times per year in March, June, September, and December under the direction and supervision of the council of the North Carolina State Bar, PO Box 25908, Raleigh, NC 27611. Member rate of \$6.00 per year is included in dues. Nonmember rates \$10.73 per year. Single copies \$5.36. The *Lawyer's Handbook* \$16.09. Advertising rates available upon request. Direct inquiries to Director of Communications, the North Carolina State Bar, PO Box 25908, Raleigh, North Carolina 27611, tel. (919) 828-4620.

ncbar.gov

Follow us at:

Twitter: @NCStateBar

Facebook: [facebook.com/NCStateBar](https://www.facebook.com/NCStateBar)



Contents

FEATURES



- 8 Time for Digital Justice Access Commission, a Digital Agenda for the NC Courts Commission**

By The Honorable Chase Saunders and Katherina K. Lucchesi



- 10 Continuing Legal Education Needs a Rework**

By The Honorable Richard Dietz



- 14 Actions Speak Louder than Apologies—Why Attorneys Need Diversity and Inclusion Training**

By Cheyenne N. Chambers

- 16 Opioid Overdoses Have Not Gone Away**

By Justin Garrity

- 20 A Legal Incubator: The Durham Opportunity and Justice Incubator (DOJI)**

By Mark Atkinson

- 23 Zone of Action**

Written by Kirk Warner

Book Review by G. Gray Wilson

- 25 Celebrating the 2020 Class of 50-Year Lawyer Honorees**

Zone of Action

WRITTEN BY KIRK WARNER, BOOK REVIEW BY G. GRAY WILSON

Anyone who has ever been in the military knows that it is a world alien to the civilian population. But in *Zone of Action*, Raleigh attorney Kirk Warner bridges that divide with a journal of his experiences as a JAG officer during Operation Iraqi Freedom and the COBRA II military campaign in 2003. A tribute in the opening pages describes Warner's writing persona by suggesting that he could be the putative love child of Robin Williams and Alan Dershowitz. With equal parts humor, legal insight, and humanity, Warner offers a vivid portrait of a Middle Eastern land consumed by violence, privation, and chaos. His job as a lawyer is simple—bring the nation back to a semblance of civilization and order by imposing basic standards of human decency embodied in the law.

Warner admits that there is an admission price for the book: the first 25 pages or so set the stage with his call-up and protracted transport to Camp Doha in Kuwait, courtesy of the hurry-up-and-wait military bureaucracy. But then the SCUD missiles start flying and the theater of operations heats up as the Coalition forces roll north to Bagdad and beyond, and Saddam Hussein mysteriously disappears from the scene (Warner wonders if he could be the love child of Stalin, and the resemblance is admittedly striking). The author's writing style may not be exactly on a par with Xenophon's *Anabasis* (The March Up Country), but only because of the relentless comedic overlay that lightens almost every page, with levity worthy of an Aristophanes play.

Here is his take on a SCUD missile attack:

Fortunately, the missile fell short into the water but caused a ruckus in the city and a blast back here at Camp Doha across the bay that seemed to lift the roof off the office, shake the cement floor, and cause CPT Wittman to adjourn his quest for midnight chow and opt for the laundry to tackle his newly soiled drawers.

Or try this one on:

The mosques around here continually trumpet a yodel-like chant that sounds like a man with his you-know-whats in a vise.

From the scatological to the political, Colonel

Warner never lets up on the gallows humor, in sharp contrast to the work that lies ahead in a land that has drifted from corruption and brutality into fanaticism and anarchy, where ethnic and religious division is endemic. No matter how dismal the scene, the wisecracks just keep coming.

Acronyms abound in these pages, the coded language of the military. And the soldiers and their spouses moon-talk at night, while families wait with anticipation for the letters, packages, and rare transglobal calls that share a small piece of home. For what awaits Warner and the other JAG officers in his unit are the horrors of combat and occupation—friendly fire incidents, handling of POWs (including visits to the notorious Abu Ghraib prison, the “Dark Hole” of Iraq), a host of forensic investigations, oil-smuggling operations, weapons policies, mortuary issues, banking policies, security forces, and countless war

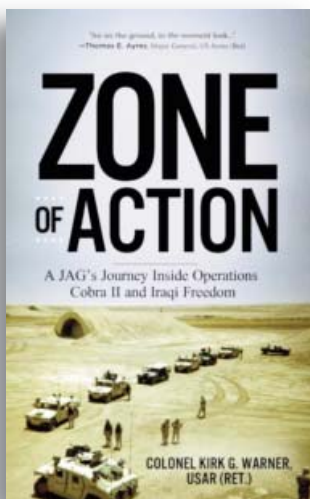
crimes by an enemy that observed no rules of civilized behavior, with torture, death squads, and sacrificial civilian shields that included children. Perhaps most newsworthy was Warner's participation in the repatriation of American POWs liberated by a daring special ops raid. Among those liberated was a young soldier, Jessica Lynch, who would soon become a household name back in the states.

When Warner arrives in Bagdad, he is tapped to restore a judicial system that has historically been a den of corruption, and he sums up the challenge as follows:

With a few sporting prohibitions against gender, race, and religious discrimination, a pinch of due process here and equal protections there, and deleting the interesting provisions making a wife a slave, we would have a good starting point for the Lady of Justice to hang her balances.

Hanging out in one of the lesser palaces, without water, power, or hot food, Warner commutes to the inner city each day, meeting with everyone from private lawyers to judges to Donald Rumsfeld as he works to bring the court system back online. He regularly briefs Ambassador Jerry Bremer and even gets quoted in *Newsday*, the popular New York city area circular. Before long, his “Bagdad Chronicles” have garnered a huge fan club across the US, with the Navy Seals, and elsewhere in the Middle East.

This is not a friendly environment, with an unruly populace laced with scam artists and hustlers, an active black market, 130-degree heat, and sandstorms. The barren landscape is punctuated by the occasional gunfire directed at his Humvee. He blames the unrest on a population deprived of beer, all the while knowing that the problems are way more serious than the ban on alcohol. There are thousands of criminal files to be



reviewed, judges to vet, courtrooms to open, military panels to decide exactly who does and does not belong in prison, all driven by those pesky protocols known as the Hague and Geneva Conventions, which unfortunately only the occupying forces observed.

Trials are conducted by a panel of three Iraqi judges, who examine all the witnesses and review sworn statements from those not present for the proceedings. The prosecutor and defense lawyer basically hang out while all this is going on. Then the judges retire to deliberate, and soon return to pronounce their verdict and sentence. Each case only takes several hours, and Warner evaluates the process as “fairly efficient, openly fair, and the results seemed just.”

There are also the brighter moments, as when Warner hauls a load of toys shipped from stateside to a Bagdad orphanage, “making one smile-filled day in a frown-filled country.” He gets in on the bust of a Russian tanker attempting to smuggle oil out of the country, at which he encounters a voluptuous young Ukrainian named Olga. He attends a riotous poolside Fourth of July celebration at a palace, at which the only dress code essential is that everyone present pack a firearm.

After more than six months in harm’s way, Warner returns home to his law practice in Wake County. He has only praise for those dumped into the cauldron of war, and his commentary about the political objectives in Iraq ring true to this day.

For us, our mission is complete. It was a remarkable victory for a bunch of citizen-soldiers rudely thrust into this arena. We hunkered down; dodged a few missiles, bullets, and ambushes; and pulled our weight and then some. We were fortunate to have been on the playing field and in the game, not on the sidelines....

Warner was one of those citizen-soldiers who “dropped his plow-lines” and answered the call. Cincinnatus would have been proud. ■

Mr. Wilson is a partner with Nelson Mullins Riley & Scarborough in Winston-Salem, and a past-president of the North Carolina State Bar and the North Carolina Bar Association.

DOJI Profile (cont.)

It also taught me the very practical skill of how to figure things out. If you don’t know something, you have to learn it. One incredible resource is the alumni network. Law

school alums want to help you. Just recently, I called five different alums one day asking for help. They were all great and so helpful.

Cameron: Law school prepared me for the bar exam. It also taught me simple but important and practical skills like how to write “lawyerly” emails. My legal writing skills got better in law school. Communicating with clients—by email, text, in person, by video—is so important, and law school helped with that.

Michelle: That’s true, but I would have liked more on client counseling. I participated in the client counseling competition, but it is so important to our work that it should be emphasized more. Last thing: While I did learn a lot of practical skills in law school, I would love it if someone would create a handbook titled *Lawyering 101* that gives step-by-step instructions on what to do and who to see and what to say for the Durham courts. That would be really helpful!

How has DOJI helped you?

Michelle: DOJI has been a good community for us. Even with a partnership, we need others to challenge us. The training is a huge benefit, learning from others. And the space has been great. We meet our clients here and we have a space in which to work.

Cameron: DOJI gives us the support we need. There’s accountability and motivation. I want RS Legal Group to succeed and I want DOJI to succeed.

What advice would you give others—law students or attorneys—looking for a change?

Michelle: To the law student, I’d say that you don’t know what you don’t know, but people will help along the way. It does not have to be overwhelming. There is help out there, from DOJI or from the law school alumni network. To the practicing attorney who is thinking about starting their own practice, don’t be afraid to take that step. You definitely have to count the costs—be smart, manage your expenses, build your business. But it can be done. It’s exciting. I love what I’m doing. Yes, it can be stressful, but this is why I went to law school—to help others. I love it.

Cameron: Don’t limit yourself. You have more options than getting a job working for someone else. You can create your own thing. Of course, you have to be realistic. We’re not paying ourselves a salary yet, but we are paying our expenses. Step over the fear. It really is exciting. I love it, too! ■

