



News & Trending
NEWS

ATTORNEY, VETERAN AND FORMER JAG KIRK WARNER FEATURED IN NC LAWYER MAGAZINE

06.02.2021

North Carolina Lawyer Magazine, North Carolina Bar Association

North Carolina Lawyer Magazine, published by the North Carolina Bar Association, has given tribute to Smith Anderson attorney and U.S. Colonel (Ret.) Kirk G. Warner in the article “**Zoned In: Kirk Warner Recounts Iraq War Experiences in ‘Zone of Action.’**”

The article delves into Kirk’s various war expeditions where he served in key roles when U.S.-led coalition forces invaded Iraq in 2003. Kirk kept a journal, which turned into weekly chronicles, and later were transcribed into a published book authored by Kirk, entitled ***Zone of Action: A JAG’s Journey Inside Operations Cobra II and Iraqi Freedom.***

Enjoy a short excerpt from the article:

When U.S.-led coalition forces invaded Iraq in 2003, Kirk Warner was there. When the government of Saddam Hussein was overthrown, Kirk Warner was there. When the occupation of Iraq began under the Coalition Provisional Authority, Kirk Warner was there.

Special thanks to Russell Rawlings with the NCBA for writing such a great article about Kirk and his heroic endeavors in the invasion of Iraq. The article is republished with permission from the North Carolina Bar Association and can be viewed in its entirety below.

“Zoned In: Kirk Warner Recounts Iraq War Experiences in ‘Zone of Action’”

By Russell Rawlings

When U.S.-led coalition forces invaded Iraq in 2003, Kirk Warner was there. When the government of Saddam Hussein was overthrown, Kirk Warner was there. When the occupation of Iraq began under the Coalition Provisional Authority, Kirk Warner was there.

For nine incredible, exhaustive months, the Raleigh attorney and Smith Anderson partner was there, serving in key roles that placed him in the midst of events that dominated the world news on a daily basis.

And Colonel Warner took notes – good notes – which made their way back to the States in the form of journal entries, chronicles, and emails. In many instances his reports, which were shared broadly across a network of colleagues, clients and military connections, told a story that wasn’t being reported by the media.

The reports form the basis of his recent book, “Zone of Action: A JAG’s Journey Inside Operations Cobra II and Iraqi Freedom,” published last year.

“It is all contemporaneously written while on the ground, sea and air there,” Warner states. “I kept a journal to start with, and that got to be too much, so I created chronicles. It started with the Kuwaiti chronicle, and then it became the Baghdad chronicle and then the At-Sea chronicle, and so wherever I was it became that chronicle.”

“I sent the chronicles back weekly ... and the book is a compilation of all of it, and then some.”

The chronicles, Warner said, quickly became a labor of love that concentrated on the bizarre, unique, and amazing events encountered in a war zone and during occupation and nation-building in Iraq.

“They are essentially Andy Rooney-type observations – zany but also significant issue descriptions of what was going on,” Warner said. “These essays made it back to the States and they had a pretty wide distribution based on multiple bounces to their friends and colleagues.”

“They ended up being on the reading list of members of the National Security Council as well as U.S. Supreme Court Chief Justice William Rehnquist. Everyone was reading them all over the country and I was sort of getting bombarded by these funny, great emails encouraging the effort, including even one from SEAL Team Three in the war theater who were saying ‘you’re the only one who’s keeping us apprised of what’s going on.’

“So it became a great forum for me to download the craziness that we were experiencing. And from a lawyer’s perspective, it became important to document the breadth and depth of the issues that we were tackling. You simply couldn’t imagine the types of things we were doing.”

For Warner and his JAG team, the legal perspective proved invaluable as they sorted through the process of rebuilding a nation. The courts and prisons had all been looted and destroyed, and along with them the criminal records and even the title repository building.

“Can you imagine an entire country without being able to prove they owned their own property?” Warner said. “Property reconciliation became a huge thing. In addition, the Iraqis tore down almost every prison, brick by brick, so we didn’t have a place to put real criminals. It was just a wild, chaotic nation-building exercise frankly led by a bunch of JAGs. We had to get the justice systems – criminal and civil – up and running to stem total chaos. We started new courts and restarted old ones, implemented new due process laws, and worked within their current legal structure and systems to do so.

“JAGs were the go-to people on the scene. Lawyers, as expected, seemed to know how to get things done. From myriad rule of law issues to conducting Geneva Convention prisoner of war status tribunals to establishing a new federal-type court system to national security investigations, we became the ‘general’s whisperers’ on issues well beyond our traditional roles in connection with combat operations. Of course we did that too. Targeting, rules of engagement, prosecutions, war crimes and friendly-fire investigations, and the standard JAG work were our staple fare. We brought expertise that no one else had. We knew generally how to create a constitution, how to change laws, and how to protect and establish due process rights they had never seen or heard of before, and how to get justice systems going ... all in compliance with international law. We tried to bring order to chaos through the rule of law. Iraq became a target-rich environment both legally and as a soldier at the highest levels.”

Warner's boss during the major combat operations into Iraq and early in Baghdad was Gen. David McKiernan, commanding general of U.S. Third Army and the Coalition Forces Land Component Command (CFLCC) and its 250,000 troops. Warner served in the CFLCC Current Operations Center – the War Room for the launch to Baghdad.

"My team was mobilized in early February 2003 to report to (Fort) Bragg," Warner said. "And a few days later we shipped to CFLCC at Camp Doha in Kuwait. We went in with the 101st Airborne. All of that was going on while the U.N. was debating – Sec. Powell was presenting and the U.N. was deciding what to do with Saddam Hussein and the nuclear threats that he was making, and the sanctions he was defying since the first Gulf War. The Coalition leaders then made the decision to commence the liberation of Iraq and removal of Saddam and his regime.

"We got in there in late February and negotiations were still going on, and the ground and air operations launched in mid-March. That started the major combat action and our role as legal advisors to CFLCC during the march to Baghdad ... which roles were many and varied. We jumped into Baghdad as it was falling. I moved with Gen. McKiernan to his early entry command post there to continue combat operations in the north and control the post-combat stabilization operations in Baghdad and central/southern Iraq.

As the invasion transitioned into occupation, Warner switched to the Combined Joint Task Force-7 (CJTF-7), the lead military headquarters for the Coalition Provisional Authority. CJTF-7 (V-Corps) was under the command of Gen. Ricardo Sanchez. Phase IV stability operations went into full mode: "We quickly learned that combat is hard, but re-establishing a nation is sometimes even harder."

"We grabbed a bear and we had to hold on to it," Warner said. "There was a lot of stuff that no one was really anticipating, and we had to do it on the fly. The lawyers ended up being kind of the subject-matter folks on everything ... while continuing to do our typical JAG lawyer duties such as criminal justice, operations law, the rule of law, legal assistance, and investigations. Times were busy for JAGs."

Warner emphasizes that liberation and nation-building is tough stuff. "I suppose it is a good thing we are not good occupiers and thankfully as a nation don't have much practice at it. Instead, it is a better thing that we are good liberators. After all, America's military has but one vital mission and that is to fight and win our nation's wars, and we're good at it. We never really want to get good at sitting in someone else's country forever.

"That is why this long war has been a tremendous strain, mentally and physically, on the forces and on the country, frankly. It was and is a difficult and complex fight, but we never lost our humanity; we never lost the thought that our might was right. People talk about whether we should have been there, and that is echelons above me, but I will tell you that the folks on the ground felt what they were doing was important and vital."

And dangerous.

"One of the reasons I waited to put this book together was I was still active in the Army – I did not want to put out any publication while I was still serving. It just didn't seem good form to do so. Now after 15 years has gone by, I figured the coast was clear. I didn't want to lose the great stuff and I had all sorts of folks asking me about the chronicles and pushing me to publish my chronicles ... so 'Zone of Action' is the result."

Warner has been overwhelmed by the reaction to the book from his colleagues in the military and the legal profession, and from people all over. It is, as one General Officer noted, “an on-the-ground, in-the-moment look from the decision-makers’ tents and palaces”

Aside from many senior military officers, Warner received endorsements and great reviews from his North Carolina legal heroes and friends including comments from NCBA members Robert Edmunds Jr., former associate justice of the N.C. Supreme Court, Maj. Gen. (ret.) Gill Beck, Maj. Gen. (ret.) James Mallory, and longtime Smith Anderson colleague Martin Brinkley who is serving as dean of the UNC School of Law.

“As someone who never served our country in the armed forces,” Brinkley writes, “I have always been in awe of professionals like Kirk Warner, a great lawyer and an American hero, who fought in multiple campaigns with consummate professionalism under the most challenging of circumstances. ‘Zone of Action’ taught me so much about the collaboration and mutual respect that knit together those responsible for a complex military operation. I am grateful for the education I received from this outstanding firsthand account of soldier-lawyer’s life at the front.”

Justice Edmunds adds, “Like the estimable Harry Flashman, Colonel Warner seems to have been everywhere and met everyone in newly liberated Iraq. Yanked from his law office in Raleigh, Warner relates with compassion and dark humor the challenges and burdens of reestablishing the rule of law in a land ravaged by Saddam Hussein’s brutal tyranny.”

Warner, who retired from the U.S. Army in 2013 after 33 years of active and reserve service, said it took him about a year to piece his writings and contextual passages into the book.

It is dedicated to his wife, Diane, and all other “household sixes,” whose “brave perseverance at home enables the courage and humanity of your loved ones serving abroad.”

“I kept it lighter – there’s a little ‘Catch-22ish’ in it,” Warner said. “I always tell it as it is, often comical and sarcastic, but the last thing I wanted to do is to bash folks who were trying to do the best they could do. It’s really more a tribute to the troops and the commanders. It starts with the spirit of our nation following 9/11, when the new greatest generation of warriors since World War II took the torch. And it’s not my generation, it’s the one after it that I think really stepped to the fore. With few exceptions, they put America’s best foot forward in the fight ... and I get to tell about it.”

In the decade following his deployment, Warner remained a key figure in military circles. He served as Deputy Legal Counsel for three different chairmen of the Joint Chiefs of Staff, served as the Staff Judge Advocate for a national command, and commanded a new Legal Operations Detachment. Out of uniform, he represented the military security services contractor Blackwater in nationally followed lawsuits arising from contractor deaths in Fallujah.

To this day, the Iraq War experience continues to have an impact on his life and work.

“In some ways I am less tolerant with inefficiencies, but most times I am more adaptable and patient enough to see how things develop,” Warner said. “There is a great military acronym that applies well to most legal situations – VUCA (volatile, uncertain, complex and ambiguous). You need to be prepared for those variables and account for them. I also think more about the second- and third-order effects of decisions in my practice as we were forced to do down-range.”

“I am quicker to make informed decisions as we had to make on-the-spot recommendations to commanders and our own decisions immediately that had long-term repercussions. And I think that’s changed my practice in a lot of ways. In addition, you become a better observer of your surroundings. You’re a lot more aware of what’s going on around you. That is exceptionally helpful in the practice of law.”

The end result, Warner adds, is that he finds himself handling “difficult” situations better.

“I still get mad when people don’t follow rules – particularly those involving civility and professionalism – because I’ve learned getting shot at is a helluva lot worse than practicing law and getting yelled at in the courtroom on occasion. We all need to practice law the right way and do what we need to do and do it professionally. It kind of calms the arena down and is good for our own systems – justice and personal.

“Trials are a lot easier because you put things in perspective. Without losing zealousness for the client’s cause, I ask myself how does it affect the rule of the law and justice in general? I look at the practice in a different way and I think I provide better insights to clients and it helps all of us to do what is right.”

Warner served on the NCBA Board of Governors and the NCBF Board of Directors in 2016-19, and played a pivotal role in the establishment of the Military & Veterans Law Section in 2016.

A few years after its formation, the section decided to create an award. There was little question as to who should be the first recipient or whose name should be on the award, for they were one in the same, thereby resulting in the establishment of the Kirk Warner Award for Distinguished Service to Military and Veterans.

Republished with permission from the North Carolina Bar Association. Originally published by the NCBA’s North Carolina Lawyer Magazine on May 19, 2021 and written by Russell Rawlings. Russell is director of external affairs and communications for the North Carolina Bar Association.

PROFESSIONALS

Kirk G. Warner

