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Dinner and a Movie

by Bradley Bannon

With the help and leadership of NCAJ Executive Committee member Jennifer Watson Marsh, Membership Director Amy Smith, Membership Services Coordinator Karen Modrow, and CLE Director Alex Rogers, I've been focusing this year on the Law School Project, an initiative designed to strengthen NCAJ's relationship with the state's law schools and students.

NCAJ's founders established the organization to provide both a community and a curriculum of high-quality continuing legal education for trial lawyers dedicated to the mission of protecting people's rights. In that sense, NCAJ has always been an extension of the best things about a good law school experience. As the profession always needs more mentoring of new lawyers, so it also needs more diversity, inclusion, and equity.

In the Law School Project, we believe that establishing a stronger connection to lawyers when they are still students will positively address all of those issues and enhance our organization and its mission in the long run.

As we considered ideas for a three-year outreach plan to track a three-year legal education, I thought about how I was inspired by lawyer movies, and how fascinated I was when NCAJ Past President Rebecca Britton came to my law school to talk about her experience in a case that had recently been made into a movie.

It also got me thinking back to some remarks I made to Campbell Law students in August 2016, when I was asked to speak at orientation.

Because movies have played such a big part in my life, I chose to talk about scenes in some of my favorite lawyer movies that perfectly capture a number of lessons I'd learned in three years of law school and two decades of lawyering.

Spoiler alert.

The Rainmaker¹

Scene: Rudy Baylor, fresh out of law school, is suing a health insurance company over bad faith denials of claims filed by a young client with leukemia. At the end of a conference with all counsel, after the half-dozen or so high-powered insurance defense lawyers leave the room, the judge sympathetically asks Rudy whether he's in over his head. Rudy utters a one-word response, equal parts self-awareness and resolve: "Absolutely."

Lesson: Recognize how big a legal challenge may be, but make your commitment to meet it *even bigger*. Then stick to that commitment. I was rejected by my home state's only law school. *Twice*. At first, I was only conditionally admitted to Campbell Law. Academically, I stumbled through my first year. Two years later, I graduated with an award

for being the “Most Improved Student” in my class. (Seriously.) I went on to pass the bar, and for 20 years I’ve been part of some great experiences helping people as a lawyer.

True Believer²

Scene: Veteran lawyer Eddie Dodd, once an idealist but now a cynic, has agreed to work with new lawyer Roger Baron, still very idealistic, to defend young Shu Kai Kim against murder charges. When Roger and the team’s private investigator, Kitty Greer, report some bad developments for the defense, Eddie shoots the messengers. Roger tells Eddie to relax, because they all believe it’s “a good fight.” Eddie’s parental-advisory-sticker response: “‘A good fight?’ You think I’m going into court to make a fucking statement? You think Shu gives a shit whether we go down, *but go down nobly?* This is a man looking at *40 years of hard time!* He could’ve had a deal and been out in five, *but he bet it all on me!* Don’t give me that liberal yuppie bullshit about a good fight; this isn’t fucking Yale. A good fight is one you *win!*”

Lesson: While ideals and causes are great motivators, and sometimes our only comfort, a lawyer’s paramount duty is to the law and the client. Being chosen to represent the client is an honor, but it comes with pressure that can bleed over into your personal and professional relationships. If you ever make the human mistake of taking that pressure out on others, recognize and apologize. If you’re on the receiving end, consider that it’s rarely about you or them, and often about the pressure.

A Few Good Men³

Scene: Marine Corps Capt. Jack Ross is prosecuting Navy Lt. Daniel Kaffee’s clients, two Marines, for a hazing incident that caused the death of another. Over a beer with Ross, Kaffee blames the culture created by commanding officers Jonathan Kendrick and Nathan Jessup, and then attributes it to all Marines. Ross responds: “Don’t you dare lump me in with Jessup and Kendrick just because we wear the same uniform. I’m your friend and I’m telling you, I don’t think your clients belong in jail, but I don’t get to make that decision. I represent the government of the United States without passion or prejudice, and my client has a case.”

Lesson: Ross and Kaffee are adversaries in the case, but they’re still friends, doing what friends do, like meeting for a beer after work. Neither has cornered the market on righteousness in the case, and each has a necessary role in the justice system. Ross also warns Kaffee to practice what he’s undoubtedly preached to prosecutors in defense of his clients: don’t make presumptions about people based solely on their status or membership in a group.

In the Name of the Father⁴

Scene: After the fatal bombing of an English pub by Irish Republican Army terrorists, Belfast natives Gerry Conlon and his father, Giuseppe, are rounded up with others by British authorities, falsely accused, coerced into confessing, and wrongly convicted. Gareth Pierce, an English solicitor and criminal justice reformer, takes their cases post-conviction. She spends hours poring over files of the prosecutions. Initially told that Gerry’s file no longer exists, she persists and eventually accesses it, finding definitive exculpatory evidence in a folder intentionally withheld from the defense. In a court hearing, responding to the lead detective’s self-righteous denials of misconduct in the initial investigation and prosecution, Pierce holds up a note she found attached to the exculpatory folder: “Not to be shown to the Defence.” The prosecution’s case falls apart. Although Giuseppe died in prison, Gerry and others are freed.

Lesson: Lost causes may not be. In this true story, Pierce had the courage to take up an unpopular case that surely seemed futile. Because she persisted, innocent people were freed from prison, and troubling flaws in the British criminal justice system were exposed. Any lawyer who regularly seeks justice for the vilified and marginalized will face pressures to back down—some from within the community, some from within the legal system itself. Discoveries like Pierce’s only come to those who refuse.

Philadelphia⁵

Scene: After being fired from a big corporate law firm when the senior partners learn he is gay and has AIDS, senior associate Andrew Beckett is unable to find a lawyer willing to represent him in a wrongful termination suit against the powerful firm. Beckett decides to represent himself. One night in the law library, Beckett is approached by Joe Miller, one of the lawyers who passed on representing him. Miller recognizes Beckett from the initial consult and asks him if he ever found a lawyer. Beckett’s response: “*I’m a lawyer.*”

Lesson: You may be the last or only hope for an unpopular client, claim, or defense. In Beckett’s case, he was *his own* last hope. His willingness to fight for himself inspired Miller to reconsider and take the case. Sometimes doing the right thing means moving outside your comfort zone, and sometimes it feels awfully lonely, but it can also be infectious and inspiring.

Scene: At the wrongful termination trial, Miller asks Beckett to explain what he loved most about being a lawyer. Beckett’s response: “Every now and again—not often, but occasionally—you get to be a part of justice being done. That really is quite a thrill when that happens.”

Lesson: In this sense, “justice” does not need to be writ large. It can be in the quietest moments of legal representation, for what may seem like a small matter to most, but is the greatest challenge a client may ever face. Justice can be done in the loudest and brightest of spotlights, but it’s often done (and threatened) in the most anonymous corners of the system.

In addition to those movies, I also talked at orientation about a few scenes in another one that had just come out: “Fantastic Lies,” an ESPN 30 for 30 documentary film about false allegations of rape against three Duke University Men’s Lacrosse team members in 2006. NCAJ has ties to several lawyers in the movie, including me, and to some of the key laws we used to seek justice in that case, including North Carolina’s criminal open-file discovery laws.

Back in the Law School Project meeting, thinking about ways to introduce other new law students to NCAJ and its mission, we settled on open screenings of “Fantastic Lies,” hosted by me as president and one of several NCAJ members who worked on the case. We decided to buy dinner, play the

movie, do a Q&A, and, of course, proselytize for NCAJ. We hosted successful screenings in the fall of 2017 at Wake Forest and Campbell, and we intend to visit Duke, UNC, Elon, and North Carolina Central in the spring of 2018. For event details, visit ncaj.com/lawstudents.

As current 1Ls move through their second and third years, NCAJ will continue to cultivate our relationship with them and their schools, through various initiatives we are developing in the Law School Project, and in conjunction with faculty, staff, and existing programs at the schools.

In the meantime, like so many first dates, we’re starting with dinner and a movie. ♦

1. Released in 1997, written and directed by Francis Ford Coppola, based on the book by John Grisham.
2. Released in 1989, written by Wesley Strick, directed by Joseph Ruben.
3. Released in 1992, written by Aaron Sorkin, directed by Rob Reiner, based on the play by Aaron Sorkin.
4. Released in 1993, written by Terry George, directed by Jim Sheridan, based on the book “Proved Innocent” by Gerry Conlon.
5. Released in 1993, written by Ron Nyswaner, directed by Jonathan Demme.

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ABOUT THE WEBINAR

This webinar will serve as an introduction to asylum law. The presentation will discuss the deadlines for filing the application for asylum and when applicants can request work authorization. The presentation will discuss past persecution and well-founded fear of future persecution, with special attention to the required nexus to a protected ground. The presentation will include case updates regarding particular social groups, as they have been defined by the courts.

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Date: **Tuesday, February 20, 2018**
Time: **12:30 to 1:30 pm**

WEBINAR SPEAKER

Heather Ziemba, Senior Associate Attorney, *Helen Tarokic Law*, Wilmington, NC

ABOUT THE WEBINAR

This webinar will serve as an introduction to the U visa and T visas which may be available to the victims of crimes and/or victims of trafficking. The presentation will discuss the requirements to pursuing these non-immigrant visas, as well as the waivers that can be used to allow applicants to be eligible despite grounds of inadmissibility. The presentation will discuss options for requesting law enforcement certifications, as well as a discussion of screening questions attorneys can use to determine if their clients may be eligible to pursue these visas.

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