

Debate Class at Woodside Learning Center

Merri A. Baldwin



From left: Erick Howard, Merri A. Baldwin, Mya Whitaker, Alan Santos, Demetrius Lambrinos, and Sebastian Kaplan

The students file in, clad in green T-shirts, tan drawstring pants, and plastic sandals. The counselors who accompany the students direct them to take their seats in the classroom, one student to every other chair.

The boys seem unimpressed at having strangers in their classroom; some look bored, others unhappy; one or two are having a laugh. First impression: they are all so young, and it is striking to see them here in Juvenile Hall.

This was the first day of The Bar Association of San Francisco's (BASF) and the Justice & Diversity Center's (JDC) pilot debate workshop at Woodside Learning Center, a school operated by the San Francisco Unified School District within Juvenile Hall. I was there with Mya Whitaker and Alan Santos, two Bay Area Urban Debate League (BAUDL) staff members who were partnering with BASF and JDC volunteers to teach this classroom of students how to

debate, one of my initiatives as 2017 BASF president. We have four days to teach the students to construct arguments, conduct cross-examination, research and cite evidence in support of their position, and respond to arguments made on the other side.

A few logistical difficulties: The students do not have access to the evidence packet we had provided except while in class. They do not have access to pens; pencils are handed out in class and carefully collected at the end. Many of the students have learning disabilities or other issues that qualify them for special education classes. All are subject to uncertainty in terms of whether they make it to class on a particular day; they might be called out for a court hearing, some other meeting, or, in some cases, released from detention or transferred to another program, sometimes out of state.

My daily partners in this endeavor, Whitaker and Santos, are young people of color from urban neighborhoods who discovered debate as a way to achieve academic and personal growth. And success. Both of them have earned significant distinction in the rarified world of high school and collegiate debate, most recently for Santos in the form of a full scholarship to St. Mary's College. They are evangelists for debate and what it can do for young people.

In class, we explain what we are going to do this week. Some students have their heads on their desks. No one is too enthusiastic about the idea. Then it suddenly turns: Whitaker and Santos enter into a rapid-fire extemporaneous debate on whether the Raiders should move to Las Vegas. The topic is suggested by one of the counselors; Whitaker and Santos grab it and go. We are off.

The topic we assign for the students' debate is "Resolved: That for public K–12 schools in the United States, the probable cause standard should apply to school searches." This is a BAUDL topic, and the organization has assembled

an evidence packet to assist students in pulling together their arguments and supporting facts.

Arguments on the "pro" side include that the current reasonable suspicion standard unfairly targets students of color, is inherently based on racial and other bias, fosters racial profiling and unfair treatment, and increases the likelihood of student discontent and violence. Possible arguments available to the "con" side focus on the need to preserve safety in schools and the potential impact a requirement of probable cause could have in terms of delay in addressing possible threats to student safety. The topic is compelling in a juvenile detention setting, where every move the students make is supervised and controlled, and where students are subject to constant surveillance. After some initial hesitation, the students start to show some interest.

Over the next three days, we teach the students basic skills of argument, research, evidence support, and organization. Volunteer lawyers work directly with the students. Manjari Chawla, supervising attorney for JDC's Federal Pro Bono Project; Demetrius Lambrinos, Cotchett, Pitre & McCarthy; Erick Howard, Shartsis Friese; Sebastian Kaplan, Fenwick & West; Doris Cheng, Walkup, Melodia, Kelly & Schoenberger; and John Hamasaki, Hamasaki Law, all spend time at Juvenile Hall with Whitaker, Santos, and me working with the young men, getting them ready for or helping to judge Friday's debate. This is a crash course, and none of us know what to expect at the end of the week. At Thursday's prep session, one group (the "pro" side) works quietly with the mentor attorneys, highlighting evidence and using colored tabs to divide the evidence packet. The other group is boisterous and loud, laughing at times and arguing, again and again, about guns in school. We do not have time to do any meaningful practice. We just have to hope it all comes together.

PRESIDENT'S REPORT



“The Bay Area Urban Debate League’s core mission is to equip those in the most fragile communities with essential debate skills. As representatives of the success of debate in our community, Santos and I are able to share the ear of the youth with critical allies like The Bar Association of San Francisco. Our organization was truly honored to help our community and extend the platform for dialogue to happen.”

— Mya Whitaker, Bay Area Urban Debate League

On Friday, we arrive early and rearrange the classroom so that the debate teams sit at the front, at tables angled toward each other and facing the audience. The boys come in and, contrary to protocol, we guide the teams to sit at the front tables. The few students who are not participating act as judges, along with BASF volunteers and some of the teachers. Some last minute prep, and we get started.

Who knew what to expect? It was great. The boys became animated, especially during the team cross-examination. For the most part, everyone knew their arguments, cited evidence, responded to the other side, and argued their points. Some students were shier than others; some, it turned out, were natural advocates and effective speakers. For us volunteers, it was great fun to watch. One student had not said a word all week, yet anchored the “pro” side. Another volunteered to do an extra speech, since his team was one person short. Some good rhetorical flourishes: “Parents want their kids in school, not in the morgue,” and “If you treat kids like criminals, they will act that way.”

Afterwards, the students listened carefully as the judges gave their feedback. No fidgeting, no side conversations. It was very moving to see them at the center of attention in the most positive way, the room full of teachers and counselors who had heard about the program and wanted to catch some of the action. Doris Cheng, BASF treasurer and one

of the judges, said, “It was heartening to see an activity in Juvenile Hall that had nothing to do with why they were incarcerated and had everything to do with treating them like any other high schooler possessing hope and promise. If we treat these teenagers like people who have something worthwhile to contribute to others, they will.” One of the teachers emailed us to say she could not stop smiling whenever she thought of that afternoon.

Thanks to BAUDL, to all our volunteers, to the wonderful teachers at Woodside who invited us in, Megan Mercurio and Constance Walker, and most of all to the students in Unit 6 who inspired us all.

We hope to run more debate programs at Woodside later this year in partnership with BAUDL. If you want to volunteer as a coach or judge, please contact Ann Murphy at amurphy@sfbair.org or Merri Baldwin at mbaldwin@rjo.com.

Merri A. Baldwin is cochair of the Attorney Liability and Conduct Practice Group and a member of the Complex Commercial Litigation Practice Group at Rogers Joseph O'Donnell. She is a State Bar of California board-certified legal specialist in legal malpractice law. She serves as the 2017 president of The Bar Association of San Francisco and its Justice & Diversity Center.