

The New York Times

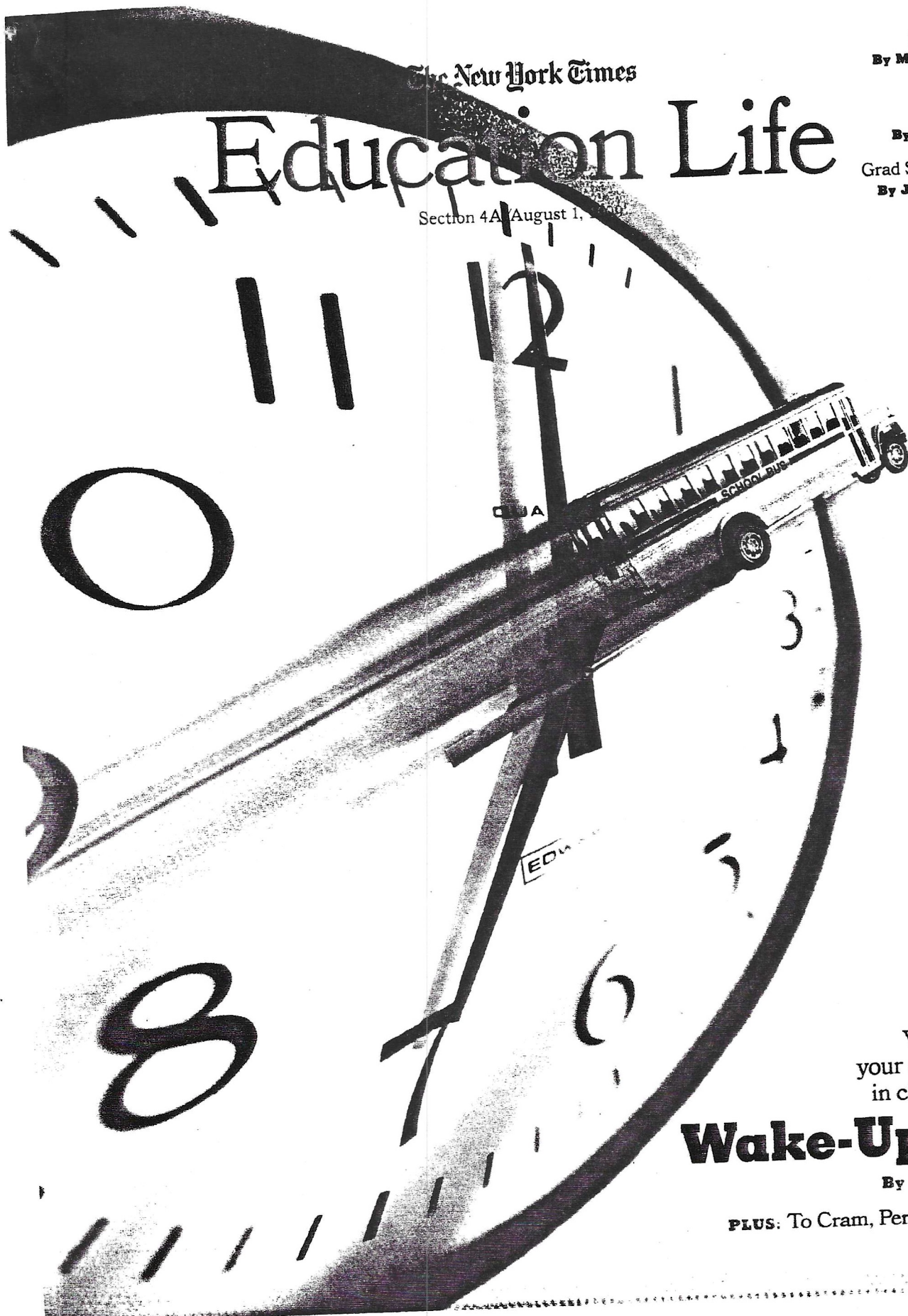
# Education Life

Section 4A August 1,

Extreme  
Fund-Raising  
By Michael Winerip

Eggheads  
Do Football  
By George Vecsey

Grad Students Unite  
By James Sterngold



It's 7 A.M.  
Where should  
your children be —  
in class or in bed?

## Wake-Up Call

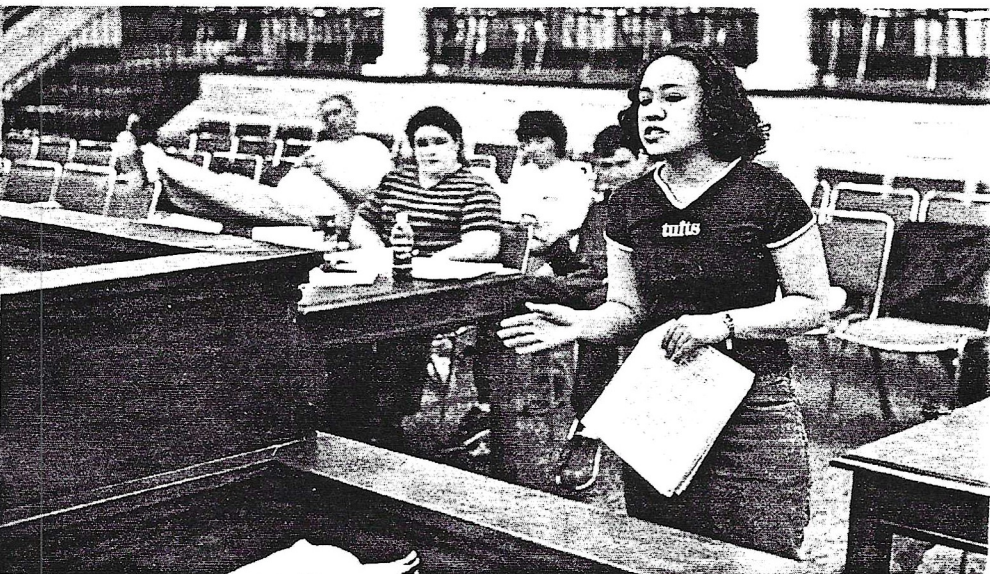
By Douglas Martin

PLUS: To Cram, Perchance to Sleep

# Trial With Fire

Students draw from their troubled lives to bring street wisdom to jurisprudence. BY CHRISTOPHER McDOUGALL

MOCK TRIAL



The faces of Mock Trial, clockwise from above: Mia Roberts of Masterman High School in Philadelphia; Hang Pham, Nancy Ortiz-Gonzalez and Shirieka Clifford of Bushwick High in Brooklyn practicing for semi-finals; Jasmin Colon and Deon Gordon Mitchell, a Bushwick coach; Khalid Taggart, Masterman's star closer, near the school; Shirieka in action.

**T**HE PRACTICE SPACE FOR THE MOCK Trial team of Bushwick High School in Brooklyn is a storeroom for pen-scarred desks and ruined textbooks. Paint-caked rollers and pans sit on out-of-commission lockers. The one gesture toward a simulated courtroom is the makeshift podium of 2-by-4's and fake pine paneling.

The team itself, on paper, doesn't stand a chance in the upper-level competitions of Mock Trial, an extracurricular contest of staged courtroom drama that attracts overachievers from suburban schools and private academies — the usual development grounds for future jurists. At Bushwick, a teacher correcting a team member's pronunciation was waved away with a "Keep your pants on."

"Respect isn't high among these kids' values," said Mary O'Donoghue, a prosecutor with the United States Attorney's office in Brooklyn who began coaching the team last year with Deon Gordon Mitchell, a history teacher and former Mock Trial participant. "They can be pretty mouthy, and they don't draw much of a line between street life and school life."

Though it was removed from the state's list of failing schools last November, Bushwick still ranks academically among the worst high schools in the city. Nonetheless, in less than an hour on this spring day, the team will begin the quarterfinal round of the New York City championships against Abraham Lincoln High School, a school of solid reputation with a far more experienced team.

"You just don't like our Latina fla-vah, Miss," said Nancy Ortiz-Gonzalez, a senior who will be defense attorney in the day's competition.

Ms. O'Donoghue tapped her watch, laughter subsided

Christopher McDougall is a freelance writer in Philadelphia and former correspondent in Lisbon and Angola for The Associated Press.

and the students silently returned to their case notes. The two squads will try the case of a fictional father, Brandon Berry, charged with endangering the welfare of a child after his young son nearly died in a fire as his wife slept, alcohol on her breath.

"Let's get that closing done, Nancy," Ms. O'Donoghue said. "Tell me what your heart says."

Nancy, who has been married since her sophomore year, fiddled with her wedding ring and the good-luck Beanie Baby on her key ring. The daughter of a construction laborer and a sewing-factory worker, she was born on a farm in Puerto Rico and learned English in school. She occasionally confuses her two languages, and needs reminders to say "both," not "bof," and "possession," not "persession."

With almost every member of the Bushwick team no more than a parent away from Puerto Rico, the Dominican Republic, Jamaica, Vietnam, China or Africa, a typical practice is a jambalaya of accents and idioms. Many of the students will be the first in their families to graduate from high school.

"I'm going to show that this wasn't a case of neglect, but it was really June Berry's first step on a journey to a better life," Nancy said. "This case is about people not understanding what it is really like to be poor and to be a

recovering alcoholic."

"That's right," Ms. O'Donoghue encouraged. "Let 'em have it."

**I**N THE LAST FEW YEARS, schools with poor academic achievement have consistently risen through the championship ranks of Mock Trial. Bushwick has survived elimination rounds against teams ranked far higher. In Manhattan, the team to beat is Louis D.

Brandeis High School, which has nearly as many dropouts as graduates. Philadelphia's inner-city schools have finished first or second in the last three Pennsylvania state championships, beating elite suburban schools like Devon Prep and nine-time champion Quigley Catholic from Pittsburgh. They've become so daunting that competitors have begun talking of a Philly Factor.

"The inner-city kids have been putting on a regular magic show the last couple of years," said John C. Shipley, author of the authoritative "Mock Trial Handbook" and coach of the 1998 national champion, Cherry Hill East High School, in New Jersey. "Schools you never heard of in the past, except maybe for gang problems or poor academics, are suddenly taking the competitions by storm."

Mock Trial, organized by each state's bar association, began two decades ago as a law-inspired spinoff of team debate. In the last three years, the associations have been pushing the program hard; the New York bar wants a practicing lawyer volunteering in every high school in the state.

It works like this: Schools are given a fictional case file, complete with witness statements and arrest records. From that, students work with coaches to explore the

pertinent legal principles, like search and seizure and Miranda rights, and devise strategies for both a defense and a prosecution. Teams then try the case against each other, while a lawyer sits in as the judge. During the trial, students question their own mock witnesses as well as the opposition's; improvisation is welcome as long as no one strays from the depositions' facts. Points are awarded on a one-to-three scale for adherence to time limits and case material.

The national championship, held this year in St. Louis in May and won by Clarke Central High School of Athens, Ga., regularly draws teams from at least 48 states and two territories. New York is an annual absentee. From fewer than 300 participating schools in the 1980's, the state now has more than 500. With so many teams, New York has never been able to complete its championship in time to send the winner to the nationals.

In the past, showmanship was frowned upon; a tone of parliamentary decorum was expected. But those tame courtroom simulations have evolved into hotly contested trials that resemble improv theater, with rapid-fire objections and "Ally McBeal"-style pyrotechnics. Coaches have begun scouting other school activities to recruit thespians and musicians or simply any student with a combination of flamboyance and critical thought.

"There's no comparison between then and now," said Debra Lesser, coordinator of the New York City competitions. Like other Mock Trial observers, she's found that "students are sharper, more nimble on their feet, more in command of rules and strategy and presentation."

To be successful at Mock Trial, which involves the same kind of stress control and brainpower as chess, a student has to role-play, craft questions, deal with hecklers (objecting lawyers, in this case), memorize hundreds of details of evidence and know the legal concepts dead cold. "Nowadays, if you lose focus for a minute," Mr. Shipley said, "you lose."

What's most surprising is the kind of students being drawn to the activity. "If you go by statistics, these are the kinds of kids who should be having trouble with the law, not enjoying it," said Davorka Grgas, the coach for Brandeis. The star of her team is José Tuma, 18, who sports a pencil-thin mustache, thickly gelled curls and construction boots with dangling laces. Raised by Spanish-speaking grandparents after his sickly mother returned to Puerto Rico and his father was put behind bars for drug dealing, he spent most of his preteen weekends traveling to prisons in Connecticut and New Jersey to visit his father, who was deported during José's sophomore year.

José had mediocre grades and chronic disciplinary problems until Ms. Grgas, impressed by his wit and sensing his intelligence, auditioned him for her team. In his first year, Brandeis finished sixth in the city. In his second season, after a match-winning performance against Bronx Science High School, the judge pulled him aside to urge him on to law school.

"Law is very much a part of these students' lives," said Ms. Grgas. "Some have been in legal trouble themselves; many others have been stopped, questioned or scrutinized by police in their neighborhoods. In our school, most kids feel a tremendous amount of anger for the police. They see the legal system as a scary, oppressive force, and they're eager for anything which gives them a sense of control over it."

José psyches himself for tough matches by visualizing the night he was awakened by flashing lights and looked out his bedroom window to see his father wrestled across the hood of a police car. When asked what he hoped to gain from Mock Trial, he instantly answered, "If my dad had a chance to get a good attorney, he'd be here with me now. That's my motivation."

Because it dramatizes social roles and issues like justice and police authority, Mock Trial seems to affect inner-city students like few other school activities do.

Mia Roberts is a member of the team at Masterman High School in North Philadelphia. This past fall, her 11-year-old cousin, Orlando Rosario, disappeared on the way home from school. The family was frantic. The police paid little attention, says Mia, and treated the case as

if Orlando were just another Latino runaway. When the boy was discovered raped and murdered, and a recently paroled sex offender was arrested for the crime, Mia quit the team.

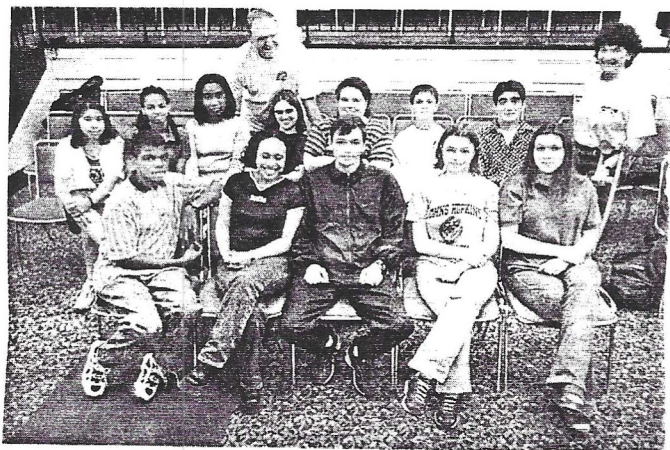
"Why was that guy still on the street?" she asked angrily in an unusually quiet moment in the classroom of the team coach, Bill Snyder.

"That's what I had to ask myself, and when I knew the answer, I decided to quit Mock Trial," she said. "This thing I had put on a pedestal, I realized it wasn't so hot for people like me. Who you are, what color you are — that's how the system works in America."

Mr. Snyder talked Mia into returning to the team, which this year won the city and state championships. Now, in competition, Mia adopts a colder, more aggressive persona. "Mia becomes a completely different person," said Mr. Snyder. "Her face, her voice, even her appearance, changes — she pulls her hair back. It's a side of her you never see anywhere else."

In fact, the entire Masterman crew becomes uncharacteristically solemn just before competitions, entering the courtroom in a silent parade they call the Death March.

The brainstorming sessions and trials draw out unexplored sides of his classmates, says Khalid Taggart, the team's star closer. "Some of us live around here, some of us come from nice parts of town, so we get every kind of



Masterman High School's Mock Trial team, which beat elite suburban prep schools to win state and city championships this year. Philadelphia schools have done so well recently that competitors have begun talking of a Philly Factor.

viewpoint when we argue a case."

A magnet school, Masterman draws academically gifted students from throughout the area, including a neighborhood that not too long ago was one of the city's busiest drug marketplaces. "But that's the reason we're so strong," said Simeon Poles, a mechanic's son. "We're diverse. That's why all the Philadelphia schools do so well when they go to the state championships."

The Philly Factor became a force three years ago, when Overbrook High School jumped from its spot on the city's academic-warning list into the No. 1 slot among the state's Mock Trial teams. Overbrook had never won a state title in anything, not even basketball when Wilt Chamberlain was wearing the school's orange and black. But in 1997, Overbrook argued its way to victory in both the city and state Mock Trial championships, finishing 11th in the nation, the first time a Pennsylvania school cracked the national top 20. Every member of the team was a rookie, recruited and trained by a history teacher who also doubled as a baseball coach.

The year after Overbrook's success, Carver High School, from North Philadelphia's notorious Badlands, won the city championship and defeated dozens of prep and private schools to finish second in the state finals.

Voted the state's top litigator was Davysses McLaurin, a former Carver class clown. "Mouths were literally agape at what he was coming up with," said David Trevas, head of Temple University Law School's high school outreach program, which oversees Pennsylvania's Mock Trial program.

In the state finals, Davysses displayed poise and sto-

rytelling finesse by ad-libbing a closing statement that wove a legal quote he had spotted on the courthouse wall into a refutation of the opposition's main point, and, for a final flourish, added this touch of homespun philosophy:

"The prosecution witness admitted he told a lie. Just one lie. But the thing about a lie is, it never travels alone. Mmm, mmm. A lie always travels with a friend" — Davysses slung an arm around an imaginary companion — "Mr. Reasonable Doubt."

"They hang together, that lie and Mr. Doubt. So anytime you hear a lie, remember" — he jerked his head toward the metaphorical phantom under his still-suspended arm — "Reasonable Doubt is in the 'hood."

**"M**OST OF THE KIDS ON MY TEAM HAVE lived by their wits all their lives," Ms. O'Donoghue said. "They have jobs, they cook and care for younger siblings or their own children, they fend for themselves on the subway. These kids go toe-to-toe with adults every day.

"Let me put it this way," she added. "Sheepshead Bay has a state-of-the-art courtroom; Bushwick has day care for all its single-parent students." But when the two schools faced off, Bushwick won.

Cases are designed to be devilishly ambiguous, making it possible to argue convincingly for either side. The defendant Brandon Berry had left town to find a job, leaving his son with the boy's alcoholic mother. The Berrys' troubled lives included bouts with shady landlords, court-appointed specialists and social services, which had once removed the boy from his mother. Did Mr. Berry knowingly put his son at risk?

In a courtroom at Brooklyn's Federal Courthouse, Lincoln High School's cross-examination was professionally crisp and aggressive in the hands of the deceptively mild-mannered Corinne Atkinson. So thoroughly had she memorized the depositions that she could anticipate answers from Bushwick's witnesses and fire back another question before they could finish.

"Dr. Mallow, you were treating Mrs. Berry's alcoholism?" she asked, addressing Eddie Poon of Bushwick, who portrayed an addiction specialist.

"That's right," Eddie said.

"You put her on your 12-step program?"

"Yes," Eddie began, "I was monitoring each step..."

"And one of those steps led her straight back into a bar. Correct?"

Eddie stammered, equivocated, but couldn't find his way free.

While Bushwick was more equivoque in its own questioning, content with simply ascertaining facts, its defense witnesses throbbed with emotion, especially when Emanuel Fernandez, playing the accused father, was asked why he wasn't at home the night of the fire. He knew his wife had a drinking problem; why wasn't he there to watch her?

The question seemed to prick Emanuel. "I can't support my child with a smile and a hug!" he responded bitterly. "I got to support my child with money." That answer would have sufficed, but he continued ad-libbing, his voice rising with so much anger that his teammates began to glance at one another.

He burst out: "If you lived like me, you'd understand that!"

The verdict went to Bushwick.

With its victory, the team advanced to the city's semifinals, the sweet-16 round, held a week later at Manhattan's Federal Courthouse. There, Bushwick's underdog season came to an end with a first-round elimination. "Many of them had never been out of Brooklyn before," the Bushwick principal, Renee Pollack, explained. "Maybe that threw them off."

But most of the team stayed around the courthouse to applaud a fellow Latino-populated high school as it advanced to the next round: Brandeis, led by José Tuma, won the city championship. Two weeks later in Albany, Brandeis finished atop 497 schools to become the third best in the state. A few days later, a gift-wrapped trophy was mailed to the Tuma home in Puerto Rico. ■