The story of the heroic lawyer is a familiar one: the impassioned argument in court, the win against all odds, the life-changing outcome for the defendant. Thus goes the popular narrative of legal practitioners from Atticus Finch to Perry Mason or Ally McBeal. Such depictions often attract young people to a career in law. But the sad truth for many is that Palo Alto may conjure up images of unbridled wealth, hip workplaces and Tesla dealerships, but there is another side to Silicon Valley and its environs – that of East Palo Alto with its underprivileged schools and one in four youths living in poverty. In the latest of our series of collaborations with Paul Hastings, on diversity and inclusion in the US legal profession, we saw at first hand a project where in-house and law firm lawyers support young people who may never have imagined a career in law feel emboldened to aim high.
the dream of becoming a lawyer will remain just that – a road fraught with so many perceived obstacles that it’s just not worth the struggle.

Today, this may be truer than ever, thanks to the rising cost of education and a widening gap between the have and the have-nots in the United States. But making a difference in this space are urban debate leagues – a national phenomenon of independent debating leagues, which introduce students from disadvantaged backgrounds to the practice of debating and develop their skills. So far, over 40 law school deans and professors from top schools have joined in a statement of support endorsing the connection between urban debate and racial and economic diversity in the legal profession.

The Silicon Valley Urban Debate League (SVUDL) was founded in 2014, and executive director Monica Spear explains that urban debate is quite a different proposition to school and also to traditional debating: ‘It focuses on students who are marginalized and helps them realize their full potential. It builds confidence, public speaking and literacy skills. It also connects youth to a positive community of their peers, and to adults who are truly invested in them as individuals.’

It also works. A 2015 study showed that urban debaters were 53% more likely to test as college ready in reading; 68% more likely to graduate high school; 84% more likely to enrol in college; and 103% more likely to graduate college than their non-debating peers.

Given the raft of college scholarships available to students who have participated in this traditionally elite pastime at high school, SVUDL can make a college education seem a realistic possibility, as debater Nyisha Young told me: ‘The first thing that attracted me was the scholarship opportunity, as I heard that if you

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start debating and apply to a school that offers debate you could get even a full scholarship. One of the debaters from SVUDL came to our school and gave a talk on how debate gave her another way out; she wasn’t a bad kid but had trouble with grades. That was kind of how I was.’

SVUDL has developed one of the strongest partnerships with the legal community in the debate league circuit, mainly due to SVUDL board member Willie Hernandez, deputy general counsel at Hewlett Packard Enterprise (HPE).

For Willie, it’s definitely personal. An avid debater in high school, he feels the experience gave him more choices. ‘If I think back to my old
MOOT COURT MAKES THE DIFFERENCE

I want to be ‘The person who speaks up for other people when they can’t,’ says Deloris Soto, a recent graduate of the John Jay School for Law, a public high school in Brooklyn, where she finished among the top five in her class. ‘Competing on the moot court team helped me realize the power of a voice – my voice,’ she says.

Homeless for years, Deloris has overcome many challenges on her journey, most recently living in a family shelter with her mother in East New York. Discovering moot court was a turning point for Deloris. ‘Moot court helped give me the confidence to pursue my dreams – and to believe that I could achieve them,’ she says. For all four years of high school, she participated in a moot court team coached by Phara Guberman, a senior associate at Paul Hastings, through the law firm’s partnership with PENCIL, a nonprofit organization that fosters collaboration between the business and education communities. The team consistently advanced in city-wide competition.

Building on that success, Deloris won summer scholarships to compete in an international moot court competition organized by the Justice Resource Center and held at The Hague, which Phara individually coached her for, and to study in Japan. She serves as one of two student board members of Global Kids, a nonprofit focused on global learning and youth development. In addition, she has completed internships at the Council on Foreign Relations and at Citigroup.

‘Moot court helped me develop my strategic thinking, analytical, and writing skills,’ says Deloris. ‘Working with Phara and preparing for the moot court competition also inspired me to pursue my interest in the law.’ Her journey continues with her recent move to Boston, where she is participating in a Summer Immersion Program at Northeastern University. Deloris will officially enter Northeastern this fall as a freshman on a full scholarship.
neighborhood and some of the kids I knew who were really talented but didn’t get a way out, there’s a sadness at that unrealized potential.’ As a Hispanic lawyer who was the first in his family to attend college, Willie is passionate about helping others to access the same opportunities.

Willie believes that the partnership between the legal community and SVUDL is a natural one. ‘These students spend their high school years researching complex topics, writing briefs, and arguing their cases – all the work of lawyers. They have the ability and desire to excel, and through debate they develop the skills. By partnering with the legal community, the students get access to a professional world that is a mystery to them – and guidance on how to reach that world.’

SVUDL focuses its efforts on ‘Title 1’ schools in the area – those where at least 40% of its students are entitled to free or reduced-price lunches. ‘These schools are often under-resourced and the students are under-represented. We look at the diversity of the school population and we prioritize working with students of color, low-income students and first generation students [the first generation in their family to apply for college],’ Spears says. ‘We went from two pilot schools to five, and we now partner with seven schools. In just under three years, we have tripled our partnerships and the student base. The program serves 90% percent students of color, 70% percent low income and 67% first generation going to college.’

On May 1st this year, SVUDL, in association with HPE, held its second ‘Moot Court’ event at the HPE campus in Palo Alto. A group of six students from Silicon Valley schools argued the facts from G.G. v. Gloucester County School Board in front of three judges – Judge John Owens and Judge Michelle Friedland from the US Court of Appeals for the Ninth Circuit, and Judge Ed Davila from the US District Court for the Northern District of California.

The case in question is currently one of the most fraught cases doing the rounds of the judicial circuit and concerns transgender high school student Gavin Grimm, who sued his school district for the right to use the boys’ bathroom. Having been elevated to the Supreme Court, it is now bumped back down to the district court, partly as a result of the changing political climate in the US. It’s also the first time the Moot Court has used a real life case, and it was chosen because of its compelling relevance to the high school students involved in the event, explains Spear.

The students debated in teams of three, one side for the plaintiff and one for the defense. A
seventh student served as clerk of the court, but had also trained in both plaintiff and defense arguments.

While the experience of debating has many parallels with arguing in court, it also has substantial differences. As part of the Legal Career Pipeline Challenge, the students were assigned mentors to assist with developing their cases, strategy and arguments. The mentors also gave the students a sense of protocol and how to act in the court; something that they obviously took very seriously. One of the most memorable moments of the evening was when Santiago Pachecho, arguing for the Gavin Grimm side, made parallels with the experience of African Americans during segregation. Judge Owens made a point of praising his compelling point and, after a beat, Pachecho addressed the court, saying, ‘May I continue, your honor?’

But despite the guidance and support of the mentors, Spear explains that the substance of the arguments were the voice of the students.

The Legal Career Pipeline Challenge was the brainchild of HPE’s Willie Hernandez, and to this date it’s the most developed application of urban debating within a legal pipeline initiative. However, as Monica Spear points out, to make a program like this work, you need more than one person. ‘There are not many mentors for students in our demographic. But Willie was able to recruit lawyers from many law firms and in-house legal departments from across Silicon Valley. Through this, we were able to develop a coalition of attorneys who could serve as mentors for our students. Each legal professional paired with a student makes a long-term commitment of support – connecting with their mentees at least monthly, for six years – from the last couple of years of high school through day one of law school. Thankfully, many are willing to make that commitment.’

The mentors also serve as the beginnings of the professional network that, for more privileged students, is already ‘baked in’. It’s important work, because, as Spear says, ‘The legal field continues to struggle with diversity; these are the young people who will change the face of the law in a few years time.’

THE GENERAL COUNSEL: AN URGENT ISSUE

It was only due to guidance from a family friend that Kim Rivera attended college at all, after being orphaned at 16 and needing to help care for her younger sister. Now chief legal officer and general counsel at HP Inc., she spoke of the
importance of acting as a role model during her introductory keynote at the SVUDL Moot Court event, particularly ‘Looking back on your path and making sure that it’s wide and clear enough for others to pass.’ The local neighborhood lawyer in Puerto Rico, where Rivera grew up, showed her the possibility of a legal career – albeit a very different style of one: ‘He told me “It’s great because it’s a cash business, but you have to carry a gun!”’ She ultimately chose a more traditional path.

Rivera told GC that throughout her career, role models have been significant. ‘Role models that you can identify with, whether that’s because they look like you, you have something in common with them, or because they have overcome challenges similar to yours, are a powerful part of figuring out what paths are available to you, and how to achieve things you aspire to achieve.’ And of all those, she has been particularly motivated by women and diverse people: ‘They are proof that you can achieve things and they alter the paradigm of what a lawyer, judge, general counsel or other professionals look and sound like,’ she said.

Rivera came to the law through her work in advocacy and social services, which showed her what lawyers could do to help people. For her, programs such as SVUDL are fundamental, as they foster critical thinking, ultra-preparedness, respect for the process, and dialogue with stakeholders. Ultimately, she says, ‘Debate skills serve you well – no matter what you do later in life.’

Cultivating diverse talent is a key aim of Rivera’s, and she has recently been in the legal headlines for literally putting her money where her mouth is. HP Inc. recently announced it will claw back a percentage of legal fees from law firms that are not demonstrating reasonable progress in hiring, retention and promotion of diverse talent. Rivera believes that creating economic and business incentives and pressure – along with other efforts – helps spur progress and challenges conventional notions of success. ‘To me it feels like a pretty urgent issue that we should spend our time and resources on, or we won’t have equal access to justice. It’s been nearly 15 years since Rick Palmore’s “Call to Action” but there is still no significant progress,’ she adds. (Rick Palmore, the Chief Legal Officer of Sara Lee posted the call to action as part of the Association of Corporate Counsel 2004 annual meeting. It reaffirmed the commitment of many leading in-house lawyers to the promotion of diversity in the profession but also highlighted the fact that law firms had not made much progress in this area.)

THE STUDENTS: GIVING VOICE

For three of the SVUDL Moot Court debaters, the Moot court experience gave them a voice and a chance to use that voice for a greater purpose. For Nyisha Young, debating has opened up a whole new realm of possibilities, not least the confidence to express herself more effectively. ‘This has helped me go up and have conversations with people, give them a compliment or even just maintain eye contact with them. Speaking in front of the judges and competing has made me more open to human connections via being able to talk persuasively.’
Kimberely Lam, who formed part of the team representing the school board, agrees. ‘I am so much more comfortable taking to people I don’t know and people I might not have felt comfortable talking to normally. We had some law firm visits where we talked about the impact SVUDL has had on us, and my supervisor just told us last minute, ‘You’re going to do a speech in front of 30-40 lawyers.’ I felt like I was going to barf! But I delivered it and there were actual lawyers, people who I look up to, laughing at my jokes and listening to me.’

Being listened to and taken seriously is a very powerful experience for the individual students taking part in SVUDL. But it’s also key in the big picture sense: in challenging seemingly inherent inequalities. Throughout history, certain groups have been disenfranchised by being made to feel as though they do not have a voice or a right to redress. But for the students I spoke to, the opportunity to express themselves and think in a different way about the world, their place in it, and the possibilities these things might offer, was truly life changing.

As Santiago Pachecho observed, ‘I needed a way to be able to talk without repercussions or people telling me to “shut up.” At first I was skeptical about debate, but the more I looked into it, it intrigued me and I saw there was so much more to it than just speaking. You have to research a topic and you find yourself learning things. You get to include things that you are passionate about.’

The time given by the lawyers who acted as mentors was also a huge boon for the students.

‘The practice that stands out for me was one that we did two weeks ago,’ says Pachecho. ‘We were able to work one on one with the lawyers, and I was able to run through my argument so many times – it helped to prepare me for questions that might come from the judges on the moot court night.’

For Kimberley Lam, being able to apply the skills of debate via a legal format gave a new perspective to her idea of the realities of being a lawyer. ‘It’s interesting to see what we would be doing if we were attorneys – looking through the brief and preparing it for months. Before this I would have said that law was boring, and would not have thought about it as a career. But going through this experience has made me think about a career in law, so it’s changed my career choices.’

Pachecho already wanted to be a lawyer. But the experience has left him with invaluable and concrete tools: ‘I now have a legal mentor; a lawyer to whom I can talk to regularly and who will help guide me through the steps I need to become a lawyer.’

Perhaps most compellingly, it’s the SVUDL promotion of law as a transformative force in society that is also speaking to this next generation of diverse lawyers. As Nyisha Young puts it: ‘Debate opened my eyes and made me see I really did want to make a difference to people’s lives through being a lawyer.’

If you would like to know more about urban debate and the Legal Career Pipeline Challenge, please contact Monica Spear at SVUDL: mspear@svudl.org