

# Exhilaration and Disappointment

10/18/2009 12:29:03 AM Central Standard Time

This morning, driving toward the University of Southern California campus, a lot of memories passed through my mind. I recalled attending the High School Debate Institute at USC, in the summer of 1965, prior to my senior year, and, as an unknown, being named second speaker, behind Roy Shults. I remembered how the lessons learned their got me to the 1966 state finals in extemporaneous speaking, where I finished 3rd, behind Roy Shults. I recall going to see a professor about something during my sophomore year at UCLA, passing the debate office, and seeing the team list on the blackboard, and there, on the top team, was . . . you guessed it: Roy Shults. Thus began my odyssey into intercollegiate debate, partnered with Roy, during which we reached the highest levels of competition and multiple prestigious awards. Debate provided me with invaluable training in logic, quick thinking and communication that has served me well in every aspect of my life since then.

I bring all of this up because an old debate friend recently sent me a video of last years national championship debate. I was stunned! The debaters were dressed like slobs and spoke so quickly as to be incomprehensible, sounding rather like birds tweeting. Part of me was repelled, but part of me felt guilty. For, you see, in the late 60s, in my prime, I was considered one of the faster talkers on the debate circuit. Not that I was proud of it. I would have rather had Roy's oratorical skills, which were amazing. But the team needed an infighter, and I was best suited for that job. Several friends from that time keep telling me and others that I was one of the innovators of "spread" debating. If I was, it's something I deeply regret. What for me was a tactic has apparently become an end all in today's collegiate debate world. Truth be known, my best debating was done when I raised three or four issues in a ten minute speech, explained each logically, often with no evidence, and sustained each of them.

But today was different. I was heading to SC to be a volunteer judge for the Metro Debate League, a national program designed to teach debate to students at inner city high schools. I was excited. I knew that I was going to find a lot of passion, a lot of enthusiasm. Of course there wouldn't be a lot of skill, but the purpose of teaching debate is so much broader; debate can instill a love of learning, of discussion, of seeing two sides to an issue. Even the poorest debaters can carry these skills forward throughout their lives.

I entered the room in which I was to judge. Two teams, four typical looking high school kids, each team armed with a computer. The first speaker stood up, introduced herself, and then started reading her speech - - at a mile a minute! She stumbled over every third word, and, in general, was speaking far beyond any rate of speed that was within her reasonable range. All four speakers did this. The debate itself was well done by all, entertaining for me, and a completely exhilarating experience within the vacuum of that room.

But then I went downstairs and spoke with the head of the Los Angeles program and then to the USC debate coach. I asked each of them what the point of debate was if the speakers were incomprehensible (referring to the college level). They had well thought out answers about the need to think quickly, how one of their former debaters won a case before the Supreme Court, etc. But, to use an old debate term, they begged the question. You see, in my day, rapid speaking was a way to shoehorn more "stuff" into a ten minute speech. My instinct still is that the time limit is meant to force you to think through your case, just as court briefing limits force lawyers to refine their arguments. The solution for debaters cannot be to simply jam in the information at such a rate as to lose any relationship to communication; to do so reduces debate to a mechanical activity with no value outside the debate tournament. The skills that these coaches touted can be learned with a more intelligible presentation, which, by the way, is far better training for the next phases of life.

Attorneys can't do this kind of shoehorning. To do what these debaters do, the lawyer would have to use a 2-point font, single spaced, with margins out to the edge of the page. Imagine how that would play out in a courtroom!!

I say all of this because it reminds me of what I see far too often in mediation. I see participants who arrive with an agenda, hellbent on doing it their way, with no regard to communication skills or persuasive

effectiveness. Many are more interested in persuading me so that I can act as their proxy. Like the college debaters, many think that by overwhelming the mediation with evidence, they will somehow gain an advantage. Again, this reflects a serious misunderstanding of the mediation process itself.

Similarly, many mediation participants have a lot of rocks to throw, when a single guided missile may be all that is needed for the opposing party to reevaluate its position. Too often, I have to conjure up that guided missile and present it in caucus. How much better it would be if participants in mediation would stop being advocates wedded to their own positions and, instead, were able to honestly analyze their opponents' case and figure out what it will take to move their position.