

# From student champion to coach/committee member, McGuire makes strong case for MBA Mock Trial Program

BY PATTY MORIN FITZGERALD

**T**he mustachioed high school senior sneered as the much shorter, and more earnest, 13-year-old wearing a bow tie questioned him on the stand.

"By the end of the cross-examination, I got the smirk off his face," says the questioner, Joshua McGuire, still satisfied with the victory some 21 years later.

That's how long McGuire, an assistant state attorney general, has been swept up in the Massachusetts Bar Association's High School Mock Trial Program. He's participated in the program at every level, including student-lawyer, teacher-coach, judge and currently, lawyer-coach and organizing committee member.

"I feel that I am almost uniquely suited to tell people what a powerful program it is," he said.

The competition, which begins in January, will celebrate its 25<sup>th</sup> anniversary. More than 2,300 hours per year are donated by judges and attorneys for the program, in which more than 100 teams compete each year. Students assume the roles of lawyers, defendants and witnesses in hypothetical cases before real judges.

McGuire credits teacher Marjorie Montgomery of the F.A. Day School in Newton, now retired, with his debut as student-lawyer as an eighth-grader in 1988. Montgomery had woven legal issues into her junior high English and social studies curriculum for years and was first in line when the competition started in Massachusetts.

The Day School team, which included some older students from Newton North High School, then without its own team, went on to win the state title in the 1988 contest and was the first team in the state to move on to the national competition. Day was one of the few junior highs or mid-



PHOTO BY BILL MCCORMACK

Attorney Joshua McGuire helps lead the Mock Trial Program he won as a student, including 1991 (inset).



## MOCK TRIAL PROGRAM

Continued from page 1

dle schools ever allowed in the tournament. Due to the program's growth in size and competitiveness, it was subsequently limited to high schools.

The next year, as a freshman, McGuire helped found a team at Newton North, but much to his chagrin, it was not strong enough to defeat the younger team from his alma mater, the Day School, which included his little sister, Julie.

But then came the "three-peat," as he and his friends dubbed it, and from 1990 to 1992, the Newton North powerhouse team captured the state Mock Trial championship and landed third, third and fifth places consecutively at the national level. "We knew each others' strengths and weaknesses and how to support each other ... I'm sure there have been teams better than we were, but none as successful."

In the final year of the three-peat, the team "cleaned the clocks" of their opponents at the national contest, says McGuire. Despite what he felt was a dominating performance, the team placed fifth that year.

"Coming to grips with the fact that life is not always fair" proved a valuable lesson for the young upstart. "Sometimes the ball rolls funny," McGuire says he tells his Mock Trial students. "I tell my clients the same thing. You have to allow for the possibility that somebody won't see it your way."



PHOTO COURTESY OF JOSHUA MCGUIRE

The 1991 Massachusetts championship team from Newton North High School at the national competition in New Orleans includes Joshua McGuire (back row, third from the right), Josh's father, James, (second from the right), his mother, Claire, (front row, seated, far right), his sister, Julie, (front row, third from the right), and Attorney-Coach Elliott Loew (back row, second from the left).

It was in McGuire's sophomore year that a young lawyer named Elliott Loew, who volunteered to teach a legal class there, "got roped into" coaching the competition team at Newton North. Loew would come to forge an enduring friendship and Mock Trial partnership with its star student-lawyer, from being McGuire's coach, to co-coaching Newton North to state championships in 1997 and 1998, to working together on the committee.

Loew sees James McGuire, Josh's dad, as the "father of the Mock Trial program" in Massachusetts for his efforts promoting the extracurricular academic offering. The elder McGuire convinced his own firm, Brown, Rudnick, Berlack & Israels LLP, to fund the tournament through its Center for the Public Interest with \$25,000 every year since 1998.

As Mock Trial Committee members, Loew and McGuire have put in countless hours over the years helping create the cases, explaining the program at teacher conferences and coaching students. It's their passion. "It's a commitment, but it's not a chore," Loew says.

McGuire admits he can still recite the first paragraph of his closing argument from his very first case, in eighth grade. "That's frightening, Josh!" Loew teases.

Loew, who now coaches at Newton South High, and McGuire, who coaches at the all-girl Windsor School in Boston, meet with students at their schools weekly and are available for extra consultations and weekend sessions during competitions.

Pleased parents regularly tell McGuire about their teens' boosted confidence and academic skills and particularly enhanced arguing skills, about which they may be "of two minds." He can see that drilling these skills into his students, down to the inflection in their voices as they present their cases, helps end their fidgeting and verbal tics. But after all these years, he finds the program a boost for his own work, as well.

"It's always nice to help kids through the transformation to be more effective thinkers and speakers. At the same time ... it keeps your skills sharp. I've refined aspects of my own practice just from going over this with the kids. You find out what's persuasive."

There was little doubt in McGuire's family that he was headed for a legal career, but his parents, both lawyers, urged him to explore other options just to be sure. After graduating from Dartmouth College, he taught for a couple years before entering the University of Michigan Law School. While many Mock Trial alumni are practicing



PHOTO BY BILL MCCORMACK

Mock Trial Committee members Elliott Loew, left, and Joshua McGuire, seated, discuss details of this year's Mock Trial case at a recent meeting. Loew coached McGuire's team when he was a high school sophomore.

lawyers, more than half choose other careers. (McGuire's sister, Julie, went into psychology.)

As for practicing in the real world, the realization that it's not all exciting trial work can be "a bit of a letdown for most attorneys," says McGuire. Having come from a legal family, though, his "eyes were wide open," and he finds even the more mundane tasks of lawyering interesting. "When you're writing a brief, for example, you are still trying to pick apart someone else's argument and make a better one. Sure, it's more fun to do that in the courtroom, but you get to do more deep thinking when you're doing it on paper."

McGuire uses e-mail to keep in touch with his three-peat teammates and about a dozen Mock Trial participants with whom he has bonded. As part of the program's 25<sup>th</sup> anniversary, the committee will reach out to alumni to get them involved.

McGuire says every student could benefit from the way the Mock Trial program helps participants understand, analyze and challenge issues, as well as make cogent arguments in support or opposition with poise.

"It ought to be mandatory curriculum for high school students," he maintains, echoing the sentiment of his November 2006 article for *Lawyers Journal*, in which he wrote, "To the extent that public schools exist in part to produce better jurors and voters, 'reasoning' must be the fourth R." ■