Discussion Problem

You are facilitating a large group training session on cross-cultural lawyering for law students who are about to begin their first semester of clinic. You provide the students with the following hypothetical to consider:

You have been appointed by the court to represent Anthony, who was charged with Possession of Marijuana. From the police affidavit you received, you learn that Anthony is 15 years old, African American, and currently residing in a group home for foster children. The affidavit alleges that a teacher at Local High School walked by the bathroom and thought he smelled burnt marijuana. Anthony walked out of the bathroom at that time, and the teacher stopped him and sent him to the principal’s office. The principal searched his backpack and found a clear plastic bag containing a leafy green vegetation she believed was marijuana. She then brought in the School Resource Officer, and Anthony was later charged in juvenile court for Possession of Marijuana. During your interview with Anthony, he seems uncomfortable talking about the incident. At one point, he says that he feels like the teacher targeted him because he is black and attends a school with very few black students.

You ask students to consider how they would respond to the client’s concern that he was targeted based on race. A white student volunteers the following response:

White Student: I don’t think race is really the issue here. I don’t know why minorities always jump to the conclusion that however they’re treated, it’s because of their race. Here, the teacher was probably suspicious of the client because he’s been in trouble before. He’s in foster care, so he may not come from a good family, which may also explain why he is getting in trouble at school. So, I think I owe it to the client to be frank with him – to be nice about it, still, but to say that it doesn’t seem like the teacher was picking on him because of his race. The teacher smelled marijuana, then saw Anthony, so it made sense to suspect that Anthony was the one smoking it.

You are caught off guard and offended by many aspects of the student’s response. Being at a loss for words, you ask if any students have any other thoughts about how they would respond to Anthony’s concerns. You notice several students shift uncomfortably, until finally another student says it might be important to ask Anthony to provide more information about why he thought he was targeted due to his race. The students go on to have a discussion about other interviewing strategies that could be employed, but they avoid talking about race, and nobody directly responds to the first student’s statements.