



QUICK GUIDE

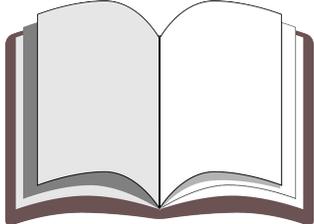
STORYTELLING

PRESENTING

ADDITIONAL RESOURCES

QUICK GUIDE: STORYTELLING



1. **Engage your audience in the first minute.** It's critical that the "audience," the jury, is engaged immediately. So start with something interesting. Make sure the first minute of your opening is approached something like a movie preview: give them something powerful, active, and immediately recognizable as important. *Show* them it's important, don't settle for *telling* them.
- 
2. **Grow the story from short to long.** Give the jury several increasingly detailed accounts of the story rather than beginning at the beginning and simply trudging through the whole thing. Start with a one- or two-sentence version that captures the essence of the conflict. Then give them a short paragraph or so that gives the overall arc of the story, focusing on the main dispute. *Then* begin with the detailed account.
 3. **Use concrete ideas rather than lofty statements.** People can't engage if they don't know what you're talking about. So don't say, "This is a case about inattention and lack of responsibility etc." Start with the real world: "Dr. Dawes woke up in a home that was not his own, drove across town, and prepared to conduct a triple bypass surgery on the plaintiff."
 4. **Use visuals strategically.** If you choose to use powerpoint or any visual aid, remember to keep it in the background. *You* are the live human being in the room and you should always remain the focus.
 5. **Build your characters by showing, not telling.** This is *telling*: "He was a hardworking man who followed the law." This is *showing*: "He went to work every day for 27 years and in that time he never had one safety violation."
 6. **Use action as much as possible.** Avoid passive language that's easily forgettable: "The company's firing of Ms. Turner was in violation of the policy that states employees must be given three warnings." That's language from a legal brief. Here's active language that communicates the same idea: "The company fired Ms. Turner before they gave her the three warnings required in their own policies." Action makes people sit up and take notice.

QUICK GUIDE: PRESENTING



1. **Breathe.** This keeps you calm, which means you'll project a sense of calm to the jury. A trustworthy person is calm, not short of breath. Your voice needs breath to work properly – breathe in to your gut and out on the words. Your mind also needs oxygen to function. If your breathing is too shallow you'll not only appear weaker, you'll actually be weaker.
2. **Eye contact.** There is simply no substitute for the power of eye contact. Make eye contact with each jury member. This will create the sense of a bond that goes beyond words, and tell the jury your primary concern is to guide them. Instead of addressing them generally by sweeping your gaze over the entire jury box, land on individuals for a sentence or two each. By the end of your opening statement you will have created a genuine bond with the entire group.
3. **Listen with your face.** When listening to an answer from a witness, remember to use more than your ears. Give something back to the witness through nods, raising eyebrows, eye expression, smiles, and other facial movements. Keep it appropriate and subtle, of course, but remember that the slightest response will encourage a better answer.
4. **Eliminate physical "static."** Fidgeting, shuffling of feet, and all other extraneous movement only serves to tell the jury that your primary focus is on yourself and not them. Keep in mind that your body movement is more visible to them than it is to you. You may not even be aware of the fact that you're flicking your wrist nervously, messing with your pen, or gripping your pockets. But the jury is acutely aware of it and making continual judgments about your competence, credibility, and trustworthiness.
5. **Use gestures to help explain details.** It's usually best to keep gestures subtle and fairly neutral but when you need to emphasize a point, specific gesturing can help paint the picture. Juries consist of ordinary people who respond best to visual communication. A well-placed gesture of explanation can be a welcome shift in the routine and help you to create a more lasting impression with a particularly important point.



**Want some more free tips?
Ask David to send you 5 short videos on these topics:**

david@asimplemessage.com

ADDITIONAL RESOURCES

Some of these books are about storytelling for court, some are about trial advocacy in general, and some are about the psychology of persuasion and decision-making in general. All will be helpful to legal advocates who wish to expand their toolbox for influencing jurors.

- Bettinger, Carl. *Twelve Heroes, One Voice: Guiding Jurors to Courageous Verdicts*. Trial Guides, 2011.
- Berger, Jonah. *Contagious: Why Things Catch On*. Simon and Schuster, 2013.
- Booker, Christopher. *The Seven Basic Plots*. Bloomsbury, 2004.
- Garner, Bryan. *Legal Writing in Plain English*. The University of Chicago Press, 2001.
- Cialdini, Robert. *Influence: Science and Practice*. Allyn & Bacon, 2001.
- Dweck, Carol. *Mindset: The New Psychology of Success*. Ballantine Books, 2006.
- Gianna, Dominic and Lisa Marcy. *Opening Statements*. Clark Boardman Callaghan, 2013.
- Gladwell, Malcolm. *Blink*. Little, Brown, and Company, 2005.
- Haven, Kendall. *Story Proof*. Libraries Unlimited, 2007.
- Haydock & Sonsteng. *Trial Advocacy Before Judges, Jurors, and Arbitrators*. Thompson/West, 2004.
- Herman, Russ. *Courtroom Persuasion: Winning with Art, Drama, and Science*. Thompson Reuters, 2009.
- Johnson, Brian, and Marsha Hunter. *The Articulate Advocate*. Crown King Books, 2009.
- Kador, John. *50 High-Impact Speeches and Remarks*. McGraw-Hill, 2004.
- Kahneman, Daniel. *Thinking, Fast and Slow*. Farrar, Straus, and Giroux, 2011.
- Lakoff, George. *Don't Think of an Elephant*. Chelsea Green, 2004 & 2014.
- Lipman, Doug. *Improving Your Storytelling*. August House, 2005.
- Mauet, Thomas. *Trials: Strategy, Skills, and the New Powers of Persuasion*. (Chapters 1, 2, 4). Aspen, 2009.
- Meyer, Philip. *Storytelling for Lawyers*. Oxford University Press, 2014.
- Schley, Bill. *The Micro-Script Rules*. Widener Books, 2010.