Story Telling in the Court Room

WE MAKE CHAMPIONS

Lajitas Golf Resort

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TRUST

50
Once upon a time...

A trial is a STORY about EMOTIONS

- **Why are good BOOKS, PLAYS, SONGS and MOVIES so successful?**

– they tell a STORY

A trial is a STORY about EMOTIONS

- **Why do people naturally follow and believe STORIES?**
  - **they are EMOTIONALLY TRUE**

“Trials are storytelling, nothing more… The problem is that lawyers have forgotten how to speak to ordinary folks… Lawyers long ago abandoned ordinary English.”

-Gerry Spence

The Jury is your only SAVIOR

- The jury will only **rescue** your client if they have an **emotional bond** with your client

- The jury will only form the emotional bond if they **trust you** to tell a **true story**

- They will only **trust you** if you are **totally honest** with them

People think in Stories

- Storytelling is the jury's primary means of interpreting
  - evidence and
  - reaching a verdict
- They look for
  - familiar themes
  - Stereotypes
  - Patterns

5 Reasons to Use Storytelling

- **Stories:**

1. **Make us care**
2. **Engage our emotions**
3. **Make the abstract concrete**
4. **Help clarify what we should do**
5. **Teach us cause and effect**

HOW
TO!

Be prepared!

Be Prepared

- **Know your case!!!**
- **Don’t use notes**

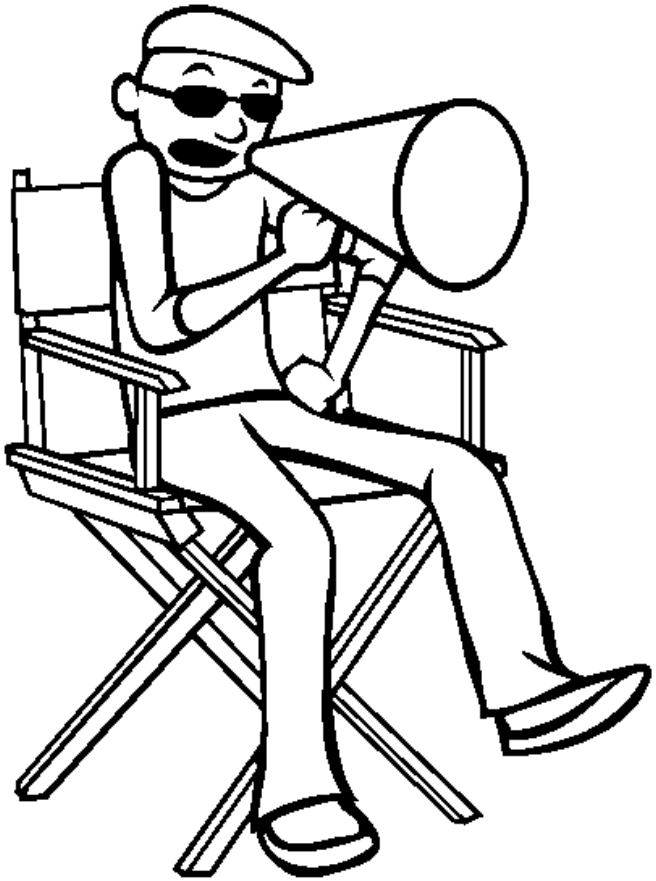
BE
PREPARED
NOT
SCARED

The Trial is Story

- The Court room is a Theater
- All the world is a stage

The Lawyer is the Director

- **A good Trial Lawyer is a Good Director**

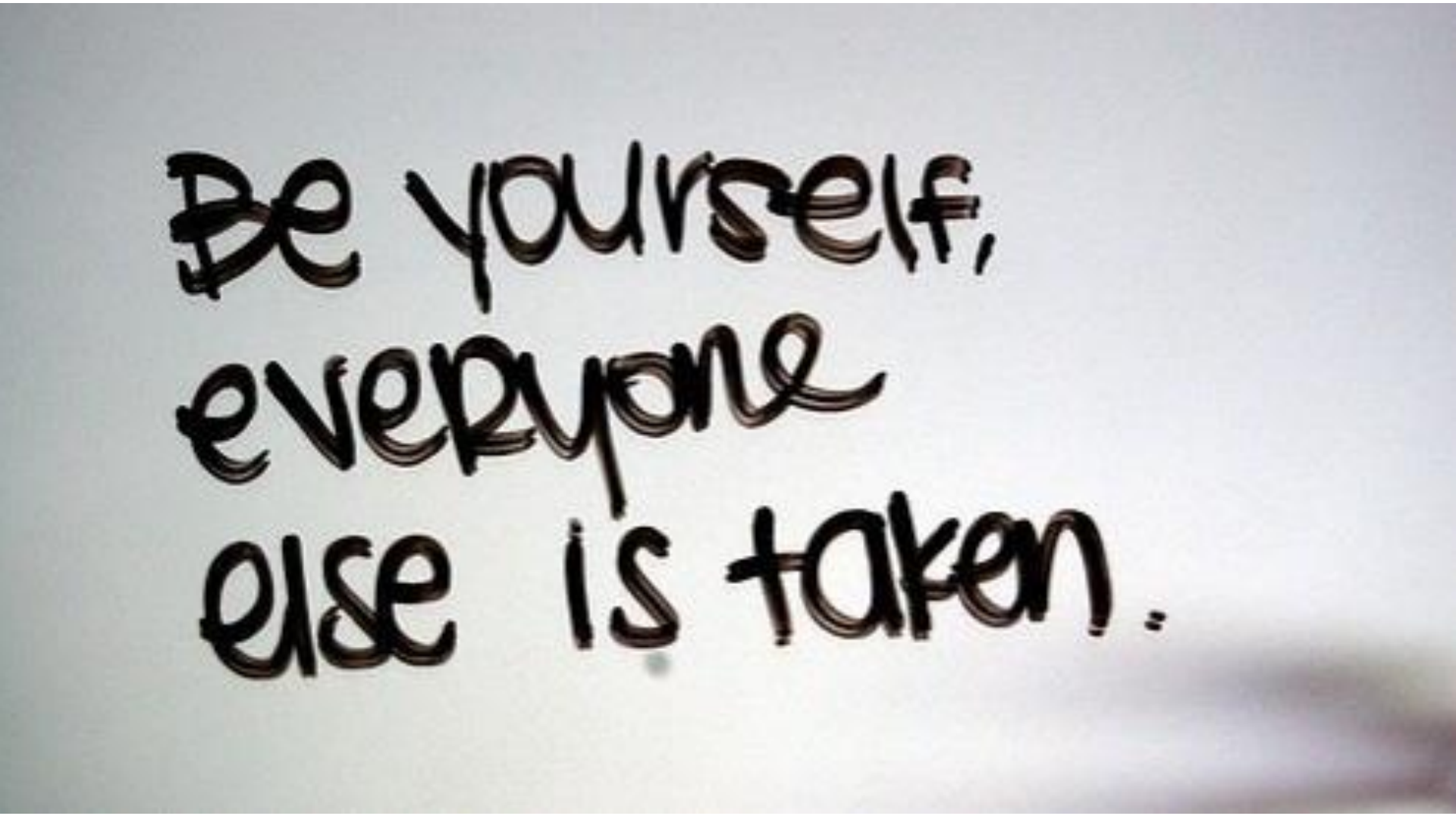


Witnesses are Characters

- Good Guys vs. Bad Buys
- Your client is the Protagonist
- Your job is to Support the Story

BE
AUTHENTIC

1. transparency; genuineness
2. matching outter expression & inner experience

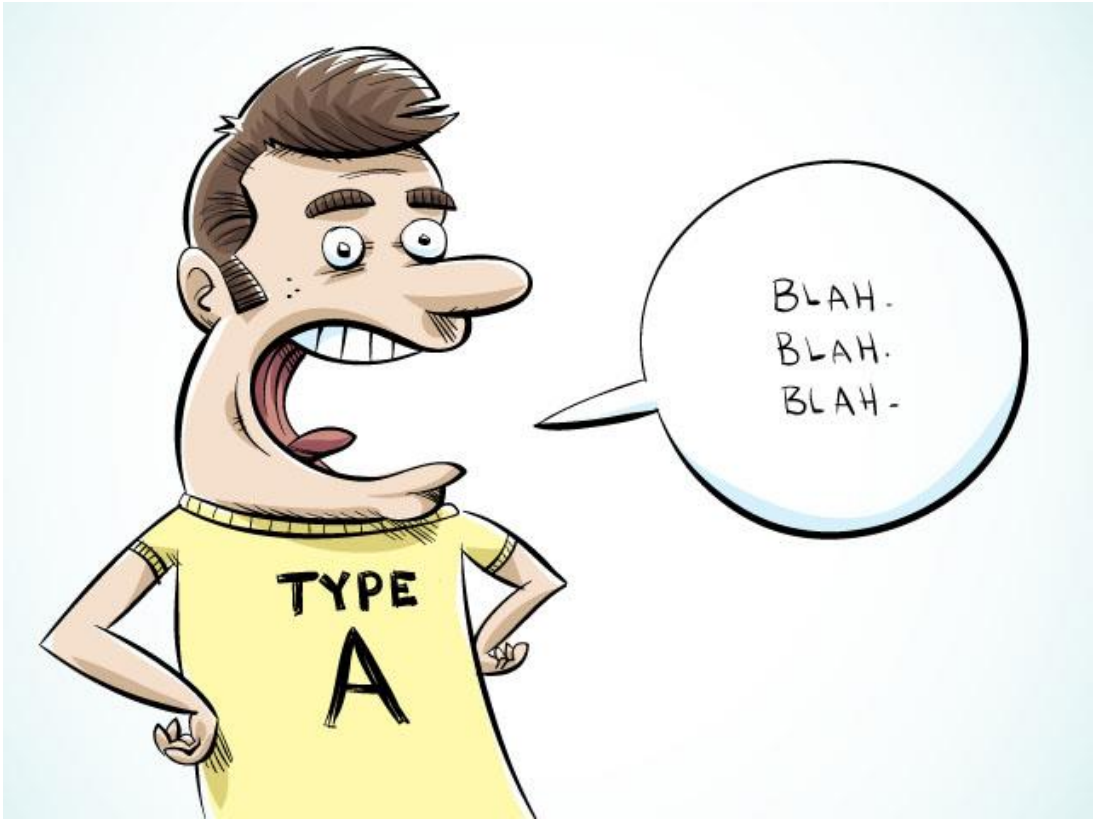

Be yourself,
everyone
else is taken.

Don’t talk like Lawyer

- Be yourself
- Don’t be a know it all

Be Humble

- **Don’t be a know it all**



Have a Conversation with the Jury

- Make eye contact
- Go from one person to the next
- Finish a sentence or thought with each Juror

Tell Your Story

- Be emotionally honest
- Tell the emotional truth
- It if feels right it is right

Who are you?

- What's your background?
- Why should like you?
- Why should we trust you?

Share Something

- **Share something that humanizes you**
- **Let the jury relate to you**

You have a Part to Play

- **Know your part!**
- **And Play it!**

Practice makes Perfect

- Go over your testimony
- Think about what you are going to say
- Does it make sense?

You Have Nothing to Hide

- **Jury's can smell a rat**

Know your Audience

Start in Voir Dire

Get Help with JURY SELECTION

- You need HELP!
- Who do you want on the Jury?
- Who do you NOT want on the Jury?

Emotional Approach to Voir Dire

- **What if you had no Strikes?**
  - Communicate as if you didn't
- Building a relationship with your jury
- Share who you are
- Listen, Listen, Listen
- Rethink:
  - Educate/Eliminate

Build Your Jury

- **Build Credibility**
- **Build Trust**
- **Build a Group**

Voir Dire

- Identify **Danger Points**
- Where does the **Danger** come from with me?

Voir Dire

- Share my **fear**
- Invite Jurors to share/show theirs
- **Accept** and **honor** the Jurors gifts

Voir Dire

- Build a **Tribe**
- Include Yourself and Client in the **Tribe**

Opening vs. Closing

- Opening is the story of he Case
- Closing is the story of the Trial

Opening

- **Set the Scene**

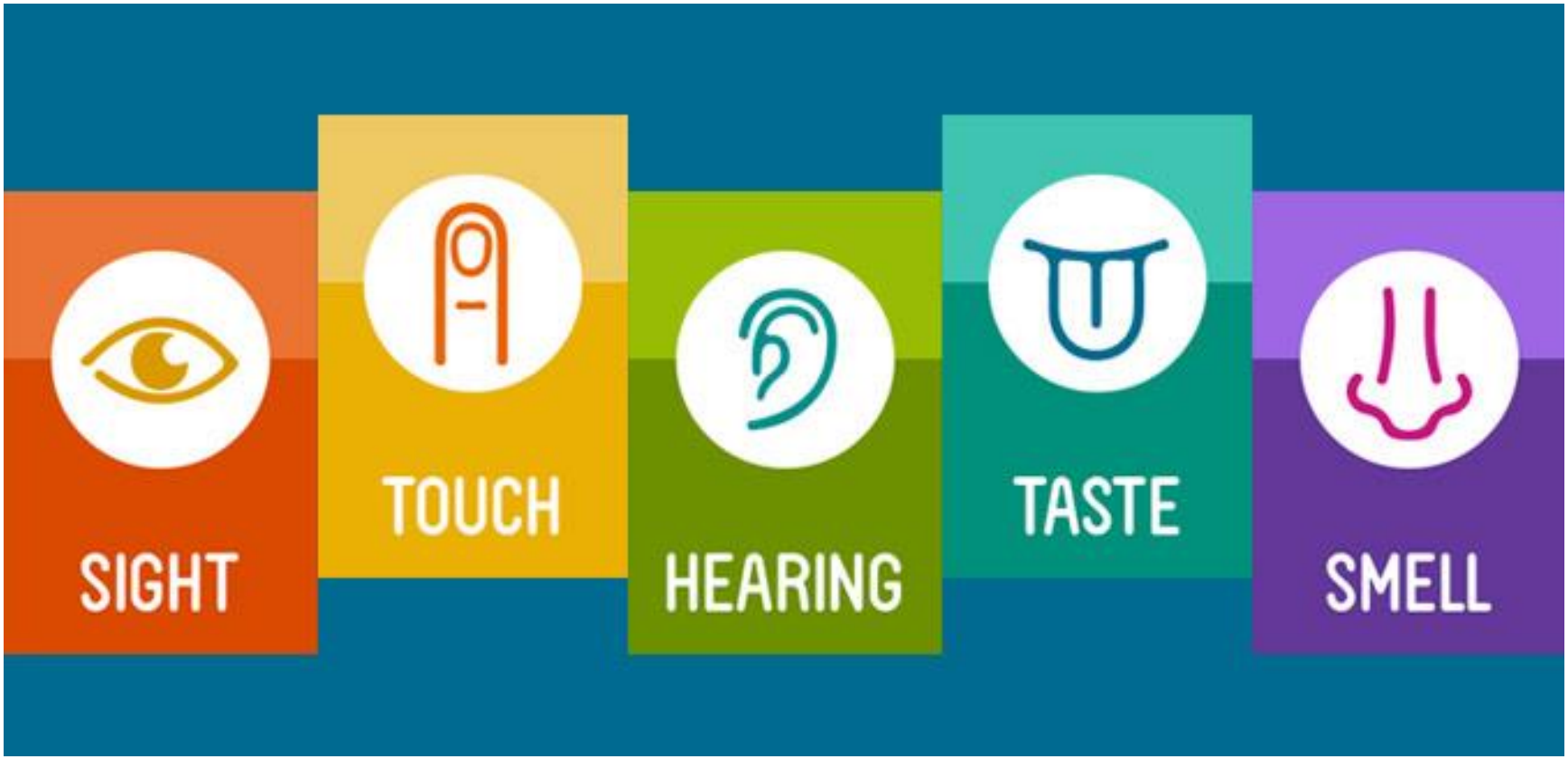
Tell a Story About the case

- **Present the case in story from, not offense report narrative**
- **Find the emotional truth**
- **If it feels right it is right**

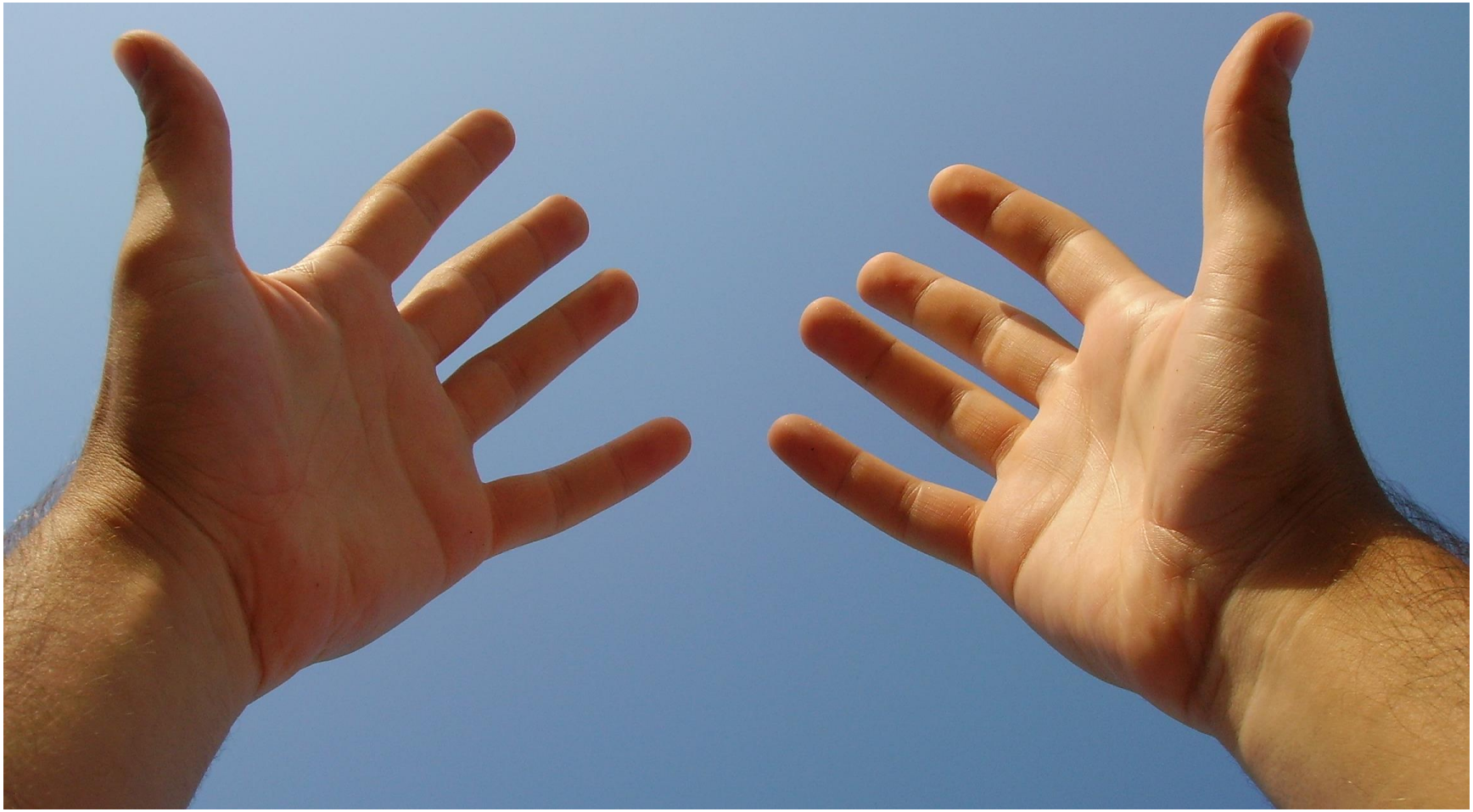
Use Language that Invokes Emotions

- Paint pictures
- Jurors remember feelings not words

Use the Your Senses



Use First Person Tense



Set the Scene

- What is going on when we start the story?
- Who is there?

Show the Story

- **Put the scene in Action!!!**

Opening

- **Identify the Villain**

Opening

- **Trust and Betrayal**

Opening

- **The damage to client – PRISON**

Opening

- **Retribution and Justice – client deserves Freedom**

Direct-X

- **Remember the Story**
- USE PRESENT TENSE
- USE ACTION

Direct-X

- **Show Me – (Action)**
- Scene Setting
- Let the witness set the scene
- Role Reversal with the witness to show the story

Direct-X

- **FOCUS IS ON THE WITNESS**
- **"(Witness), would it help you to give more accurate testimony for you to come down here and show me what happened"**
- **Put important things in Action**

Cross-X

- Story - Know the story, tell the story
- Empathy
- You don't have to be in control
- Serve someone else other than yourself during cross
  - Serve the jury

Cross-X

- You have more control when you give up control
- Sometimes you have the most power when you are the most vulnerable
- It is not a competition of credibility with the jury
- You NEVER need to get angry
- Let the tension build

Cross-X

- **Focus on the WHY, not the LIE**
- **Expose the Witnesses motivations**
- **Find a way to relate**
- **Show the jury, Don't tell**

Closing

- **Find the Trial Villain**
- **Identify the Villain's role in Betrayal**

Closing

- **Righteous Indignation/ Moral Outrage**

Closing

- **Associate betrayal to Universal truths or themes**

Closing

- Know and ask for the Justice that you want
- Show how justice Benefits jurors
- Transfer responsibility to jurors

Closing

- Don’t share closing with other lawyer
- One lawyer for Voir Dire, Opening, Closing

Closing

- Don’t hold back things for closing
- Have a Call to Action

Closing

- **Decision making is driven by emotions**
- **Stifling emotions are NOT calls to Action**
- **Best call for action is when the jurors feel a combination of Anger and Disgust**

We might be the
master of our own thoughts,
still we are the
slaves of our own emotions.

inhisthoughts

Closing

- **Stifling emotions vs. Empowering emotions**

Closing

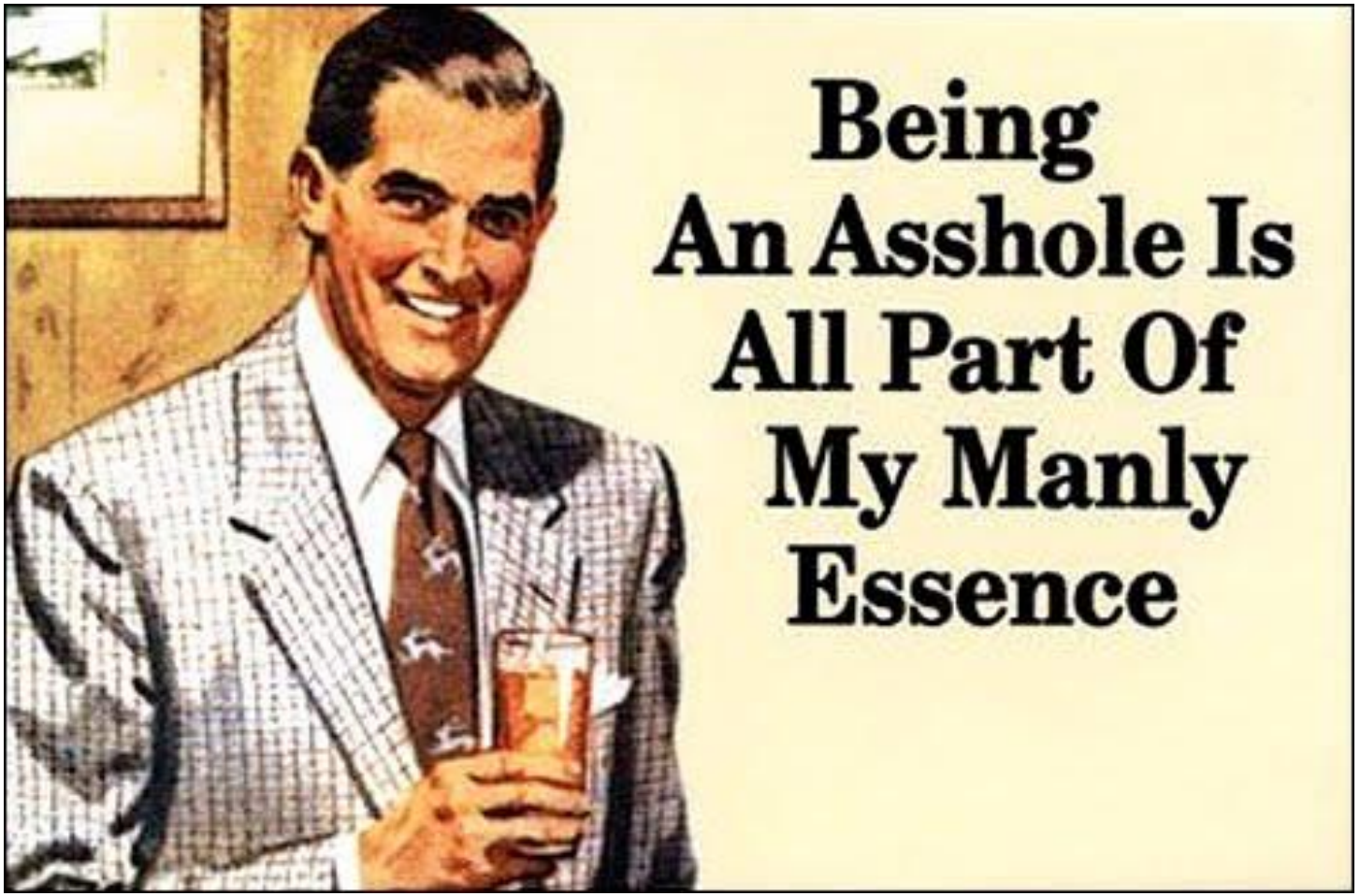
- Stifling emotions
- Sadness
- Sorrow
- Surprise
- Shame

Closing

- Empowering emotions
- Anger
- Disgust
- Happiness
- Fear

Let the Prosecutor be the BAD GUY

Let them act like an ASS



It’s Good to be the UNDERDOG

Concede the Obvious

- **Don’t argue over things that don’t matter**

Be Reasonable

- **If your are reasonable you are credible**

Let the Jury Rescue you

- **The Jury will save you if you are being bullied**

Mitigation Cases

- **Sentencing after guilty**
- **Plea guilty to the Jury**

Questions

KEEP CALM AND VICTORY IS OUR'S

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