



Courtroom Theatrics

Acting techniques can improve a trial lawyer's performance.

BY STEVE WINN

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THEY ARE, by all appearances, the most unlikely players in the most unlikely of places. Four insurance company lawyers and one deputy district attorney, dark suits and unobtrusive ties for the men, a trim tailored look for the women, are waiting politely in a downtown San Francisco conference room for class to begin.

Instead of some new wrinkle in insurance law, these tightly buttoned attorneys will be studying acting - the messy, imprecise, emotionally risky business of playing to an audience. It's not thundering applause or a part on L.A. Law they're after. The audiences they hope to win are the juries and judges they encounter in the courtroom.

With these five lawyers - who have come from around the state for a two-day session organized by the San Francisco Shakespeare Festival - theater and opera director Albert Takazauckas begins where many theatrical coaches do when they work with attorneys. He punctures the lawyerly facade and gets his students to start examining themselves closely and critically.

After asking one member of the class to deliver the opening statement she has prepared for an upcoming case, Takazauckas pounces on her use of the word "preliminarily." In the midst of a brief back-and-forth conversation about other, less formal word choices she might have made, the director suddenly comes at her from another direction.

"Your shoulders," he says, "what is it about your shoulders?"

The lawyer twitches nervously a few times, glances down as if there might be a stain on her suit, looks up and widens her eyes.

"The tightness," continues Takazauckas. But it isn't the tension in her shoulders he really cares about at the moment. He's breaking through and disarming her: That "preliminarily" she'd clung to in their earlier discussion is still on his mind. Now, when the word comes up again, she concedes with a sigh.

"I guess that by making my speech more formal, I think I'm protecting myself. But really, that works against me. I can feel the unnaturalness of it, and you know, I'm sure the jury can too." Everybody in the room notices what's happened in these last few moments: Her shoulders have finally relaxed.

Like thousands of lawyers around the state and across the country, these five litigators have swallowed varying amounts of pride, fear and conditioned aversion to courtroom histrionics to seek professional training in the techniques of voice projection and word stress, body language and focus control, dramatic gestures and subliminal communication. To its advocates, theatrical coaching for lawyers is a blessing and a breakthrough.

"Terrific" is how Lee Campbell, clinical professor of law at the University of Southern California, describes the program taught at her school by the Culver City-based Applied Theatre Techniques team. "Lawyers tend to get so far removed from ordinary discourse they forget they're just people," she says, "trying to communicate with other people. Acting taps you back into what it is that good lawyers do - They tell good stories."

Sid Kanazawa, a trial lawyer and a partner in the Los Angeles office of Pillsbury, Madison & Sutro, says acting training has transformed his entire courtroom philosophy. "I'm no longer in the business of trying cases," he says rather dramatically. "I'm in the business of producing trials."

Once a training skeptic "I thought all there was to [acting] was mugging a little and hamming it up" - Kanazawa changed his mind when he began to make connections between the subtle art of persuasion as it's practiced on stage and performed in the courtroom. Now when he tries a case, he has powerful new tools at his disposal.

By training his attention on a witness during direct examination, for example, he's able to steer the jury's focus that way as well. In cross-examination "I'm the center of focus," he explains. "I look right at the jury much more. I want them to watch me when I raise my eyebrows in surprise or react in amazement to something the witness says."

Kanazawa remembers a product liability case in which his client, a large corporation, had "the bad guy image." By stating his objections throughout the proceedings in a mild, sometimes almost inaudible voice, Kanazawa believes he was able to help recraft the defendant's image as "an underdog who was quietly trying to get at the truth." The jury came back 12-0 in the corporation's favor.

ACTOR-COACHES such as Studio City's Lev Mailer and San Diego's Ronald Arden work in small groups or even one-on-one with their clients. Traditional acting schools, including San Francisco's prestigious American Conservatory Theater and Los Angeles's Stella Adler Conservatory, are attracting more and more lawyers. At the Jean Shelton Studio in San Francisco there's at least one attorney enrolled in every beginning acting class.

Founded in 1978, Applied Theatre Techniques is the state's largest and most visible purveyor of theatrical coaching for lawyers. In addition to regular six-week courses at the USC Law Center, Katherine James and her partners, Alan Blumenfeld and Joshua Karton, speak widely, conduct in-house seminars and do regular workshops with national trial lawyers groups. In all, says James, ATT has coached more than 7,000 attorneys. In James's Applied Theatre Techniques classes, students explore everything from the resonating qualities of their sinuses to the narrative efficiency of their opening and closing statements. In one exercise they're asked to compress the storybook case of *State v Goldilocks* into 10 words or fewer.

"Jurors follow relationships in a courtroom," says James, "and they follow stories. Once lawyers understand that, they can be much more effective in communicating what they want to get across. "

One ATT client explains how a volleyball was used to resolve tensions between a lawyer and his client: "The two of them sat at opposite ends of a long table to go over the testimony. Each time the lawyer asked a question, he rolled the volleyball to the witness. Each time the witness answered, he rolled it back. Juvenile as it sounds, it really did begin to build a rapport that hadn't been there previously." Later on the lawyer led the blindfolded witness around a mock courtroom. "The trust that was established between them, I'm quite certain, was [later] conveyed to the jury."

James describes a visualization exercise that was very helpful for a female attorney whose opposing counsel was given to calling her "little lady," winking at her and propping his feet up on her desk. "Imagine him in toe shoes and a tutu," James

advised, which helped the attorney find the intimidation tactics comical rather than confounding.

If a lot of what James and her colleagues offer sounds as if it's straight out of a basic acting class, the ATT program, thanks to hundreds of hours of courtroom observation, is grounded in a real-world understanding of trial strategy. The teachers are just as able to help craft the opening statement in a wrongful death case as they are to roll volleyballs around an empty courtroom.

"If you're going to mention a damage figure of \$1.5 million up front," James observes coolly, "then you'd better be able to get that number out of your mouth without 'frighting' on the line."

Controlling focus in the courtroom is the single most important lesson to be learned, according to James. "The jury is looking for a leader; they're not members of the club. Establish the fact that you are the host of this event." Eye contact is crucial, "even when you've lost your place. Actors know they can find their next line as easily in someone else's eyes as they can in the ceiling or their shoes. Juries don't know you're fumbling," James points out, "unless you show it."

Ronald Arden, formerly an adjunct professor at California Western School of Law in San Diego, believes effective courtroom techniques can be learned

"from the outside in. I don't think it's necessary for an attorney to identify on an emotional level with his client or a jury. By doing the right things and doing them well, you can trigger the responses you're after"

Arden, who has worked with politicians and television evangelists as well as lawyers, preaches the importance of creating vivid pictures with graphic language, magnifying gestures and controlling space vocally and physically. "Too many lawyers prepare their cases to impress other lawyers. They're under the mistaken impression that if they know the law and have the evidence, they'll win. Knowing their audience is far more important."

"Unless you manage to make some sort of human connection with the jury," asserts actor Lev Mailer, "you're lost."

Mailer, who portrayed famed attorney William Kunstler in a 1979-80 production of The Chicago Conspiracy Trial at Los Angeles's Odyssey Theatre, emphasizes the

importance of lay language and a familiar tone, citing Hamlet as a guide: "Suit the word to fit action and the action to the word."

FOR ALL THE exercises and strategies they offer these theatrical coaches are trying to elicit something that most lawyers already know at some level but have managed to forget.

"Law school has a way of choking off people's natural, spontaneous ability to communicate," says James, "that whole 'Be on your guard and don't show too much emotion' thing. A lot of what we talk about is really just common sense, right down to the way lawyers stand. If you suck your stomach in and drop your chin down on your vocal cords, like soldiers, you can't breathe and you can't talk. We advocate a broad balance base, with your feet flat on the ground and your arms hanging loose at your sides. From that position you can do anything - move, talk, gesture."

While the basic principles taught by theatrical coaches may not land anyone an Academy Award, thousands of lawyers have found them invaluable:

- Prepare. Use role-playing exercises to enhance your relationship with a client before you get to the courtroom. Visualize a particularly vexing opponent in some ludicrous costume to deflate his or her power. Do breathing exercises to help conquer stage fright. Learn your part well, but don't let it turn stale by over practicing.
- Perform. Strong vocal projection, thoughtful word stresses, effective gestures, a confident and relaxed posture and carefully chosen clothing won't turn you into a melodramatic ham. You're trying to be the best advocate you can be, not portray someone else.
- Capture your audience with a good story. Jurors seize on the characters and relationships you create and bring to life. Choose active, vivid language and avoid jargon in presenting your case as a simple, down-to-earth tale about real people. Don't repeat the whole story in your closing. Save a fresh insight or two for the last act.
- Control the courtroom. Knowing when to establish and when to avoid eye contact is a powerful tool that allows you to emphasize or de-emphasize different aspects of a trial. Look right at a witness during direct examination, for example, and a jury

will tend to focus on the witness along with you. Look at the jury while you're questioning a witness you wish to discredit, and the jury will concentrate more on you and your reactions to the testimony.

Your physical position and gestures are another important means of controlling focus. Step between the jury and the witness if you want to upstage a witness and diminish his or her effectiveness. Pointing, used sparingly and with conviction, can train a jury's focus on someone or something in the courtroom at a precisely chosen moment.

Jurors remember you more than anything you say, and they pick up falseness and pretense immediately. They make up your audience. Show them your own personality and humanity. Let your personality shine through in everything you do, from the way you dress and move to the words you choose and the tone of your voice.

As Larry Feldman, a prominent Los Angeles trial attorney with 20 years of jury-trial experience, comments, "There's no question that the art of communication is an Important element in the art of persuasion. A lawyer who knows how to communicate will do better in court.

"There's a tendency in this profession to think that if you read an article or a book, you've assimilated the information. But like anything else that's worth doing, [studying acting techniques] is going to be hard work. You're going to have to throw yourself into it and take some chances. That's the only way you'll ever get results.