

ACTING UP IN COURT

Use theatrical training to make your next court appearance a command performance.

BY DEBORAH KAYE

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The hotel conference room hums with the sound of 40 lawyers breathing deeply and exhaling loudly. "Eee...ooo...eee...ooo." Forty pairs of lips stretch and pucker. "It's amazing what you can get adults to do," says acting teacher Alan Blumenfeld.

He should know. For 16 years, Blumenfeld has taught thousands of lawyers theatrical techniques to help them be more effective communicators in the courtroom.

Attorneys around the country are turning to actors to give them an edge in court. Performance professionals use their skills as actors and directors to work as trial consultants with litigators individually, as well as in groups. Blumenfeld and his wife, Katherine James, run Act of Communication, based in Culver City, California, which teaches about 20 Trial Skills workshops like this one each year.

"Acting is stripping away of artifice," the 40-ish, slightly rotund Blumenfeld tells the workshop participants. "You already know how to act like lawyers. Over the next two days we want to teach you to act with simulated human behavior," His wife, James, interjects, "In other words, like people. "

This isn't easy to teach. "It's difficult to be natural," says James, "because every time lawyers walk into court they get bloody, so they want to put on armor to protect themselves. "

The workshop relies heavily on active participation.

"Thought you could sleep in the back of the room, didn't you?" Blumenfeld bellows joyfully as he pulls three wary attorneys to the front.

These three guinea pigs are instructed to deliver opening statements simultaneously while their fellow lawyers listen.

"Who did you listen to and why?" asks Blumenfeld when they're finished. The elements that have captured the audience's attention are eye contact, humor, interesting content, the absence of legal jargon, and comfortable stature and gestures. These are some of the areas they will address during the weekend session.

"Many attorneys admit to feeling nervous in court. And acting teachers know that stage fright is a very real phenomenon. Gillian Drake, an actress and director, finds that pretrial jitters can be an obstacle in court. She and her staff of drama teachers at On Trial, based in Washington, DC, help lawyers and witnesses overcome this and other performance problems. "Sometimes nerves can make you appear hostile when you're not," she explains.

Theatrical trainers deal with nervousness through body relaxation and vocal exercises. Blumenfeld has his students roll their heads, relax their muscles, and breathe deeply. "These exercises are designed to help overcome stage fright and expand vocal ability," he says. "I want them to release all their extraneous physical tension."

Visualization can also help lawyers be more comfortable in court. Lev Mailer, a Los Angeles based actor who works with lawyers one-on-one, uses this technique. "One woman was very nervous before going to court, so I had her imagine she was entering a primitive jungle, where it's, 'eat or be eaten.' Another female attorney, 5'2" tall, had become anxious as a result of being called 'little lady' by the judge, so I told her to imagine him wearing a pink dress." "I think you're always nervous in court because something's always at stake," says Shelley Davis, a public defender in Maricopa County, Arizona, who recently took an Act of Communication workshop. "The exercises helped me deal with being nervous and not have it affect my performance."

In addition to relaxation for the body and voice, drama coaches urge a control of voice inflection to communicate an idea.

"Falling inflection says 'stop listening, it's all over,'" James explains. "Rising inflection makes jurors want to hear the answer. It also helps them to remember items in a list."

James stands before the class, recounting the actions of a woman accused of murder, using a rising inflection at the end of every phrase.

"She saw the belt, the belt she had seen so many times before. She went to the cupboard. She got out the gun. And she shot, and shot. and shot, and shot, until she couldn't shoot anymore. "

She then repeated the woman's actions, this time using a lowered pitch and a falling inflection.

"What's the difference here?" she asks.

"The second one is guilty," proposes a class participant.

"Exactly," agrees James, "because the first one was carried along by circumstance. But my falling inflection makes it sound as though the second one could have stopped her actions at any time. Yet she chose to keep going. "

In addition, sustained inflection is effective to make an audience continue to pay attention. "It creates suspense," says James. "When I use sustained inflection at the end of every phrase, my listeners will wait . . . and wait . . . and wait for me to release them."

Ronald Arden, a professor of theater from San Diego, California, agrees that control of one's voice is essential. For 15 years he has traveled around the world, working on an individual basis with hundreds of attorneys to help them enhance their vocal communication skills.

"I work with witnesses, too, because often they come across as uncomfortable in an alien environment," he says.

With vocal control comes body language, an essential ingredient to achieve focus in the courtroom. "Seventy to 80 percent of communication is visual," says Blumenfeld.

"People ask me, 'What do I do with my hands?' " James says. "Every gesture should come out of a need to gesture, a need to honestly and openly plead for the truth."

Practicing relaxation exercises before going into court helps lawyers avoid the stiff gestures that accompany being uncomfortable. James holds her hands naturally at her sides, palms facing upwards. "If you cross your arms or hide them in your pockets, the jury may think you've got something to hide," she warns.

Mastering control of the body and voice leads to the most crucial element - communication with the jury. "Lawyers need to establish intimate, direct one-to-one contact with each juror," says Blumenfeld.

One way to do this is through eye contact. "Jurors are pissed off when they're not looked at," Blumenfeld claims.

James pulls Ed, a reluctant volunteer, to the front of the room. His task is to look at each "juror" as he delivers each word of a ten-word statement.

Instead of stopping at each face, he scans the rows of attorneys, left to right.

"Okay," James instructs, "this time I want you to touch each person's hand as you look into his or her eyes."

Ed is clearly uncomfortable with this exercise. At first he rushes headlong through his statement. By the third try, he's slowed down enough to actually make contact with each person.

"We realize that this is embarrassing and awkward," says Blumenfeld, "but the payoff is tremendous."

"I learned to assess the jury and adjust my actions to their reactions," says Peri Mahaley, an attorney in Washington, DC, who took Gillian Drake's 18-hour Acting for Lawyers course. "You get out of yourself and into the minds of your audience to be sure what you say is being communicated correctly."

"To be credible, lawyers must exhibit a confidence they may not feel. James likes to have her students practice saying a sentence they're afraid to say in court."

"Give my client one million dollars," states a volunteer shakily, repeating the phrase over and over until he sounds more and more convincing. As he continues, James corrects his breathing, posture, gestures, and eye contact. "Don't forget to breathe," she admonishes. "You'd be amazed at how, often people forget to do that."

Acting teachers say that delivery of one's lines involves an emotional component. "It's important to get through lawyers' heads and into their hearts to get to their emotions," says actress Gillian Drake.

James encourages her students to think of a child they know when discussing a child who's been injured. She suggests recalling feelings from one's personal experiences. One attorney was able to use the emotions he had when his own home was burglarized to condemn a burglar in his opening statement.

Drawing from one's own experience is a basic element of the actor's craft. Lev Miler feels this can be very effective. "Lawyers want you to teach them tricks," he says, "but I teach them to be truthful under imaginary conditions, which is what actors do."

"My goal is to have each human being stand up with vulnerability and sincerity, and as much emotional, personalized passion as possible to convey his or her message to the other people in the room," says Blumenfeld.

But it's not just a well-performed delivery that's crucial. It's just as important to create a compelling story.

"We are as a species hard-wired for stories," says James. "So lawyers must be storytellers." She believes opening statements should include the following elements:

- a point of view;
- a beginning, middle, and end;
- precise, active language;
- sensor imagery; and
- present tense.

"Be sure to tell stories in the present tense so the jury can live in the moment with you," she instructs. "And make sure your ending tells the jury what you want them to do."

To work on developing potent openings, James introduces her students to the case of State vs. Goldilocks. They must either defend or prosecute the young girl in three minute opening statements. Then, she asks participants to condense the openings to ten-word telegrams.

One volunteer shares his opening: "Greedy girl wants food, clean sheets. Takes from bears' house."

During a lengthy group discussion, participants scrutinize each word of the telegram for its impact and connotation. Eventually, they rework it into a more powerful version: "Greedy freeloader ransacks family home, shatters sanctuary. Protect us.

"If you get to a point where your story is not more interesting than the story the jurors have running through their minds, then they're gone, they're thinking about something else," Blumenfeld insists.

"I've worked with many contract and patent attorneys," says Gillian Drake, "and I've seen that the duller the case the more important it is to make the story live."

Acting coaches provide a variety of services, including witness preparation, individual coaching, trial consultation, in-house seminars, and group classes. Workshops range from basic advocacy skills to advanced voir dire techniques.

Fees for theatrical training vary, too. Vocal coach Ronald Arden charges 52,000 for a half-day consultation, \$3,850 for a full day. For a weekend workshop, Blumenfeld and James's Act of Communication charges \$450; Drake's Acting for Lawyers class costs \$475, with consultations at \$150 per hour. Many of the lawyers who have attended classes and workshops feel it was money well spent.

"Learning acting techniques has improved my abilities as a litigator without question," says Wilson Schooley of San Diego, California. It also changed the course of his legal career. "The experience convinced me to decide to practice trial law instead of business law," he explains. He was so impressed with theatrical training that he invited Blumenfeld and James to conduct a workshop for the Young Lawyers Division of the ABA several years ago.

Some lawyers express the opinion that workshops such as these fill in the gaps left by a law school education that does not provide enough training in effective communications.

"Law school didn't really teach me these kinds of oral advocacy skills," says Peri Mahaley, who graduated from Georgetown University 15 years ago. "I'm more accustomed to concentrating on substance, not style."

"It's hard to convince the administration to add training like this to the budget," complains Lee Campbell, clinical professor of law at the University of Southern California School of Law. Blumenfeld and James used to work with students before the budget ax fell on the program.

Blumenfeld occasionally encounters cynics who feel they have nothing to learn from actors. Some attorneys show up solely for the 10 units of continuing legal education credit the weekend course offers. "I'm always gratified when a reluctant participant comes up to me afterward and says, 'I actually learned something. Wow!'"

A distrust of actors that dates back centuries may be at the heart of the skepticism. Julian Eule, associate dean at UCLA School of Law, is not enthused about the idea of theatrical training. "In an ideal world, a jury wouldn't be affected by the superficial gloss of an attorney's performance skills, but, unfortunately, that's not the case," he states. "I would not be in favor of teaching slick tricks designed to pull the wool over the jurors' eyes."

Gary Blasi, a professor in the clinical education program at the University of California at Los Angeles School of Law, echoes this sentiment. "Juries respond to sincerity, not performance. It's a bad idea to be somebody you're not, to look like you'd just walked off the set of L.A. Law."

Although both Blumenfeld and James have appeared on L.A. Law, they don't subscribe to the notion of being someone you're not. Naturalness is what they're aiming for.

"The nineteenth century- notion of acting involved stylized gestures to portray emotions," explains Blumenfeld. "But we say, 'Be true to yourself, be authentic, vulnerable, and real.'"

Lee Campbell says that before taking theatrical training, many of her USC students had taken on the slickness they had gotten from television images. "The acting training actually helped them abandon this phoniness so that their credibility would come across," she says. "They stopped sounding like Clarence Darrow and started finding their own voices."

However, many lawyers are concerned that expressing their personality or their own unique style of dress may not make the best possible impression on a jury. "I'm frequently asked, 'What should I wear in court? Do I have to wear a dark blue suit and conservative tie?'" says Blumenfeld. "I tell them there are no rules. Do what makes you comfortable."

He tells a true incident to drive home his point. A juror questioned after a trial said she thought the attorney was a liar. Why? Because as he was handing the jury a crucial piece of evidence, she noticed that his Rolex watch had a band that said "Seiko" on the clasp, so she knew it was a knock-off. She and other jurors thought he was trying to be something he wasn't. They felt they couldn't trust him, and he lost the case.

One young woman in the front row raises her hand. "The message I'm getting here is to be myself, but the message I already have is control everything in the courtroom. How do I do both?"

"You need to give up control to attain ultimate control," James explains. "Unless you're comfortable, you won't be able to make split-second decisions crucial to control each moment."

Perhaps the most valuable aspect of this kind of theatrical training is the feedback attorneys receive on their performances. The participatory nature of acting workshops affords the participants a chance to hold up a mirror to themselves and be judged.

"Actors use rehearsals to try out new things to see if they work, so our students do the same," says Blumenfeld. At the end of the workshop, participants bring in excerpts from their own upcoming trials for analysis.

Jay volunteers. At first, he is stiff and awkward as he delivers a boring opening statement about a case involving government contracts. Then James sits him down in front of another lawyer- and instructs him to pretend he's holding a beer while

telling that person the story of how he met his wife. Jay loosens up as he describes the racous party at which he met his future wife.

"Switch!" James suddenly commands, and Jay launches into his rather dull account of the contract case. As the process of switching back and forth continues, Jay begins to bring a more natural delivery and personal expressiveness to his legal presentation. "Now this is the Jay we'd want to share a beer with," applauds James. "This is the guy we'd like to have telling us this story in court. "

"[The Acting for Lawyers] class was emotionally charged, difficult, and demanding," says Peri Mahaley. "but afterwards the difference in our presentations was evident. The beauty of the course is that it goes far beyond preparing you for oral argument — you can use it in every aspect of your life as a way of projecting yourself and engaging others."

"There's so much passion, drama, and excitement in law," says Lee Campbell of USC. "The person who understands this has an edge."

Deborah Kaye is an English instructor at Los Angeles Valley College and a freelance writer.