



Dramatic analysis: Actor Ronald Arden, right, reviews an attorney's videotaped presentation

They're Playing Up to the Jury

Lawyers are turning to actors to polish their court performances

In the case of *People v. Goldilocks*, San Francisco Attorney Cherie Harpell had to use ten words or less to convince a jury that a young defendant should be sent to the slammer for breaking into the house of the Three Bears. "Juvenile delinquent caught," she began forcefully. "Rampaged family home," she continued, looking gravely into the eyes of a juror. Then she demanded, "Must pay." The performance was part of an exercise in how to communicate and persuade at a recent workshop run by Applied Theater Techniques, a Los Angeles-based group that teaches acting skills to attorneys.

From *The Merchant of Venice* to *L.A. Law*, courtroom scenes have been a staple of drama. Increasingly, trial attorneys like Harpell are consulting actors and drama coaches to bring more theater into the real-life courthouse. In acting seminars across the nation, lawyers are paying \$150 or more an hour to learn how to improve their performances before judges and juries. Says Actress Katherine James of Applied Theater Techniques: "Ten years ago, lawyers asked what we could possibly have to teach them. Now they call us up and cry, 'Help!'"

One reason for the drama boom is that a rising number of cases reaching the courts involve complicated business disputes. The result is juror boredom. "Jurors come into the courtroom expecting Perry Mason," says San Diego-based Actor-Director Ronald Arden, who has been coaching lawyers for a decade. "But most of the time they're getting Mickey Mouse." The emphasis on unemotional analysis inculcated in law school can actually work against the attorney who is trying to convince ordinary human be-

ings. "As a whole, we don't use our bodies or voices well," admits Attorney Jerry Coughlan of the National Institute for Trial Advocacy.

Actors and drama coaches employ a variety of techniques to help attorneys polish their acts. The point is not to have the barristers chewing the scenery but to help them get their points across. "If a lawyer overplays and comes across as an actor," notes Coughlan, "then credibility is lost." Some instructors have students practice with real material. Lawyers may, for instance, replay cases that have already gone through the courts, using actors and actresses in the parts of judge, jury and witnesses. Some hire actor-jurors to help them try out strategies for upcoming cases.

Body language, emotional control and the use of mental imagery are stressed in these drama classes. Attorney Donald Cayea, for example, who took a course at New York City's Corporate Communication Skills, Inc., learned not to argue with a hostile judge. Instead, if the bench repeatedly sustains his opponent's objections, Cayea now looks pleadingly at the jury and shakes his head in a gesture of grief. After taking Applied Theater Techniques' course, a female attorney in California overcame her irritation at a judge who insisted on calling her "little lady" by imagining the male chauvinist in a pink tutu and ballet slippers.

In Washington, Theater Director Gillian Drake, who four years ago founded Acting for Lawyers, loosens up buttoned-down barristers by having them mime such natural events as falling rain and falling leaves. Says Drake: "Lawyers are taught by their training to doubt. I teach them that what they have to do—and this is what actors do—is abandon doubt and jump right in." The practice seems to work. Washington Attorney Robert Trout, who has taken a couple of Drake's classes, says they have helped him "find the human story in whatever is the subject matter of the lawsuit."

While the attorneys may be acting more like thespians, real actors are beginning to spice up courtroom drama. U.S. Judge John Grady, chief of the federal district courts in Chicago, recently allowed actors to read depositions taken from absent witnesses in a securities case. Such depositions, usually read in a deadly drone by court reporters or law-firm secretaries, often contain important evidence but can put juries to sleep. One of the attorneys objected that an actor was hamming it up, but Judge Grady pronounced himself delighted by the lively break from what is typically the "dullest part of a trial."

—By J.D. Reed. Reported by Nancy Seufert/Los Angeles, with other bureaus

Court Critique

Supreme Court Justice Thurgood Marshall can be "sullen and at times overbearing," though he listens "objectively." His benchmate John Paul Stevens is a "maverick." Byron White writes in a manner that is "hard to understand." But far more irritating is the behavior of Reagan Appointee Antonin Scalia, who "asks far too many questions [and] takes over the case from the counsel." Even Sandra Day O'Connor, herself a dogged questioner, has become "exasperated" by Scalia.



Justice Blackmun

Says who? Why the Justices' very own colleague Harry Blackmun. It was not the first time the outspoken Nixon appointee chose to ignore custom by critiquing the court. While Blackmun, 79, had some favorable remarks at a judicial conference in St. Louis, he outdid himself with sharp words about individual Justices. What especially seems to upset Blackmun, however, is the tendency of President Reagan's appointees to vote as a conservative bloc. "All the appointees of the present Administration are voting one way," he complained. "When I started, we tried to just be good judges."