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PRINCIPLE 38

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## PROJECT POWER

*Of all the discoveries which men need to make,  
the most important, at the present moment, is that  
of the self-forming power treasured up in themselves.*

—WILLIAM ELLERY CHANNING

**Y**ou have prepared to speak at trial by taking all the steps outlined in principle 37, so what can you do when speaking to ensure that you are communicating for maximum impact?

### TEN WAYS TO COMMUNICATE CONFIDENTLY DURING A TRIAL

All of your trial preparation must be encapsulated in several short, powerful presentations, and you must make your moment on stage dynamic. Set forth below are several suggestions for accomplishing that.

#### 1. ACT CONFIDENT

It is imperative that you act confident every time you speak (principle 26). Visualize your success in the courtroom as you speak with authority (principle 3). Do not act surprised, indecisive, or confused during the trial. The jurors are watching and reacting to you, so always send the message, “Nothing surprises me.” You can exhale and collapse into your chair, having deftly averted a crisis, after the jury retires to deliberate.

## 6. FOCUS ON THE LISTENER

When you are speaking to the witnesses, the judge, or the jurors, focus on them (principle 25). Never speak while staring at your notes or your visual aid. Maintain eye contact and talk directly to the listeners (principle 32). If your eyes dart about the courtroom instead of connecting with the person you are addressing, you will not only be seen as untrustworthy and uncomfortable, but you will also miss invaluable nonverbal clues that are swirling all around you, such as a witness nervously shifting, jurors nodding their heads in agreement, or the judge becoming unusually attentive.

When you are speaking to a jury, look at each of the jurors several times during your presentation as if you are having a one-on-one conversation with him or her. Do not stare so intently at the jurors that you make them uncomfortable, but do establish a connection.

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*A jury consists of twelve persons chosen to decide who has the better lawyer.*

ROBERT FROST

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## 7. RELAX

Use the mental and physical exercises discussed in principles 2 and 3 to dissipate nervous energy. If you appear tense, if your movements are jerky, if your rate of speaking is rapid, or if your voice is strained, you are informing the jury and the judge that you are anxious. Breathe, stretch, visualize—do anything that helps you stay relaxed and poised.

## 8. ANTICIPATE

Know the weaknesses in your case, such as an incriminating piece of evidence, a shaky witness, or compelling circumstantial evidence, and mentally prepare to handle these problems when they surface. Rehearse how you will respond to an anticipated objection to the introduction of

an exhibit, for example. When a problem occurs, do not frown, wince, or act petulant; this undermines your image of confidence. Your stomach may be wildly churning, but you must convey unflappable calm.

#### 9. ESTABLISH RAPPORT WITH THE JURY

Just as it is important for a speaker to establish rapport with an audience, an attorney in the courtroom should seem friendly, reasonable, and approachable. Too often, attorneys are so focused on their arguments and examinations that they appear detached and indifferent to the jurors. In cross-examination, they often seem angry. If they handle a hostile witness in an overly aggressive manner, they may elicit the incriminating testimony at the cost of alienating the jury and creating sympathy for the witness.

If you are overly aggressive or inflexible, it may backfire. Jurors may resent your behavior. You should seem firm but never petty or argumentative; evenhanded, never unreasonable; likeable, not unapproachable; and knowledgeable, not arrogant. A jury is much more likely to be receptive to your message if you conduct yourself in this manner.

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*The fellow who thinks he knows it all is  
especially annoying to those of us who do.*

HAROLD COFFIN

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#### 10. GESTURE WITH CONVICTION

Attorneys who cling to the lectern, a table, or their visual aid convey a lack of conviction to the jury. They are not using their gestures to accentuate their messages. Review the gesturing suggestions discussed in principle 22, and use them to gesture with impact.

Communicating with conviction in a courtroom requires greater preparation than a noncourtroom presentation, but that preparation

## RECOMMENDED READINGS AND OTHER SUGGESTED SOURCES

### **Principle 3: Convert Stage Fright into Stage Might**

- Desberg, Peter. *No More Butterflies: Overcoming Stage Fright, Shyness, Interview Anxiety, and Fear of Public Speaking*. Oakland, Calif.: New Harbinger, 1996.
- Motley, Michael T. *Overcome Your Fear of Public Speaking: A Proven Method*. New York: McGraw-Hill, 1995.
- Richmond, Virginia P., and James C. McCrosky. *Communication: Apprehension, Avoidance & Effectiveness*. 5th ed. Boston: Allyn & Bacon, 1998.

### **Principle 5: Utilize These Presentation Building Blocks**

- Halvorson, T. R. *Law of the Super Searchers: The Online Secrets of Top Legal Researchers*. Medford, N.J.: CyberAge Books, 1999.
- Heels, Erik J., and Richard P. Klau. *Law, Law, Law on the Internet: The Best Legal Web Sites and More*. Chicago: American Bar Association, 1998.
- Lawson, Jerry. *The Complete Internet Handbook for Lawyers*. Chicago: American Bar Association, 1999.

### **Principle 12: Revise, Revise, Revise**

- Barzun, Jacques. *Simple & Direct*. Chicago: University of Chicago Press, 1994.
- Graves, Robert, and Alan Hodge. *The Reader Over Your Shoulder*. 2d ed. New York: Random House, 1979.
- Merriam-Webster's Manual for Writers & Editors*. Springfield, Mass.: Merriam-Webster, 1997.
- Strunk, William Jr., and E. B. White. *The Elements of Style*. 4th ed. Boston: Allyn & Bacon, 2000.

Venolia, Jan. *Write Right!* 3rd ed. Berkeley, Calif.: Ten Speed Press, 1995.  
Zinsser, William. *On Writing Well*. 25th ed. New York: HarperTrade, 2001.

### Principle 13: Utilize Powerful Stories

Davis, Donald D. *Telling Your Own Stories*. Little Rock: August House, 1993.  
Lipman, Doug. *Improving Your Storytelling*. Little Rock: August House, 1999.  
Maguire, Jack. *The Power of Personal Storytelling*. New York: Putnam, 1998.  
*Storytelling Magazine*. Published by National Storytelling Network ([www.storynet.org/Magazine/mag.htm](http://www.storynet.org/Magazine/mag.htm)).

### Principle 14: Quote for Credibility

Baron, Joseph L. *A Treasury of Jewish Quotations*. New York: Jason Aronson, 1997.  
Bisbort, Alan. *Famous Last Words*. Rohnert Park, Calif.: Pomegranate Communications, 2001.  
Ehrlich, Eugene, and Marshall DeBruhl, eds. *The International Thesaurus of Quotations*. 2d ed. New York: Harper Perennial, 1996.  
Frank, Leonard Roy, ed. *Random House Webster's Quotationary*. New York: Random House, 1999.  
*Harper Book of American Quotations*. New York: Random House Value, 1991.  
Hemphill, Charles F. *Famous Phrases from History*. Jefferson, N.C.: McFarland, 1982.  
James, Simon, ed. *A Dictionary of Economic Quotations*. London: Croom Helm, 1981.  
Knowles, Elizabeth, ed. *Oxford Dictionary of Quotations*. 5th ed. Oxford; New York: Oxford University Press, 1999.  
Martin, Patricia. *Ancient Echoes: Native American Words of Wisdom*. Great Quotations, 1994.  
Partnow, Elaine, ed. *The New Quotable Woman*. New York: Facts on File, 1993.  
Peter, Lawrence J. *Peter's Quotations*. New York: William Morrow, 1982.  
Riley, Dorothy Winbush, and D. Winbush Riley. *My Soul Looks Back, 'Less I Forget: A Collection of Quotations by People of Color*. New York: Harper-Collins, 1995.

#### Web sites:

Bartleby Online ([www.bartleby.com](http://www.bartleby.com))  
Galaxy Quotations (<http://reference-quotations.galaxy.com>)