



**Preparing and
Performing
Life Altering
Direct
Examination**

A photograph of a courtroom. In the foreground, there is a wooden witness stand with a microphone. In the background, a judge is seated at a bench, partially obscured by a blue curtain. The walls are wood-paneled.

Testify??



Part One: Preparation



Trial

by

Fire

Self Preparation

- Intense devotion to craft
- Intense devotion to client
- Intense devotion to case

The more you sweat in practice, the less you bleed in battle.

Chiang Kai-Shek



Authenticity



- **Moral authority**
- **True believer**
- **Find your own voice**
- **Welcome vulnerability**
- **Think and talk like a person**
- **True compassion**
 - For self
 - For client
 - For witnesses
 - For jurors

**In the year of our Lord, 1314,
patriots of Scotland, starving and
outnumbered, charged the fields of
Bannockburn. They fought like
warrior poets. They fought like
Scotsmen. And won their freedom.**



**JURORS DON'T CARE
HOW MUCH WE
KNOW UNTIL THEY
KNOW HOW MUCH
WE CARE**



Client Preparation

Client Preparation

- **How does client feel about accusation?**
- **Rehearsal?**
- **Talk about non-verbal communication**

Client Preparation

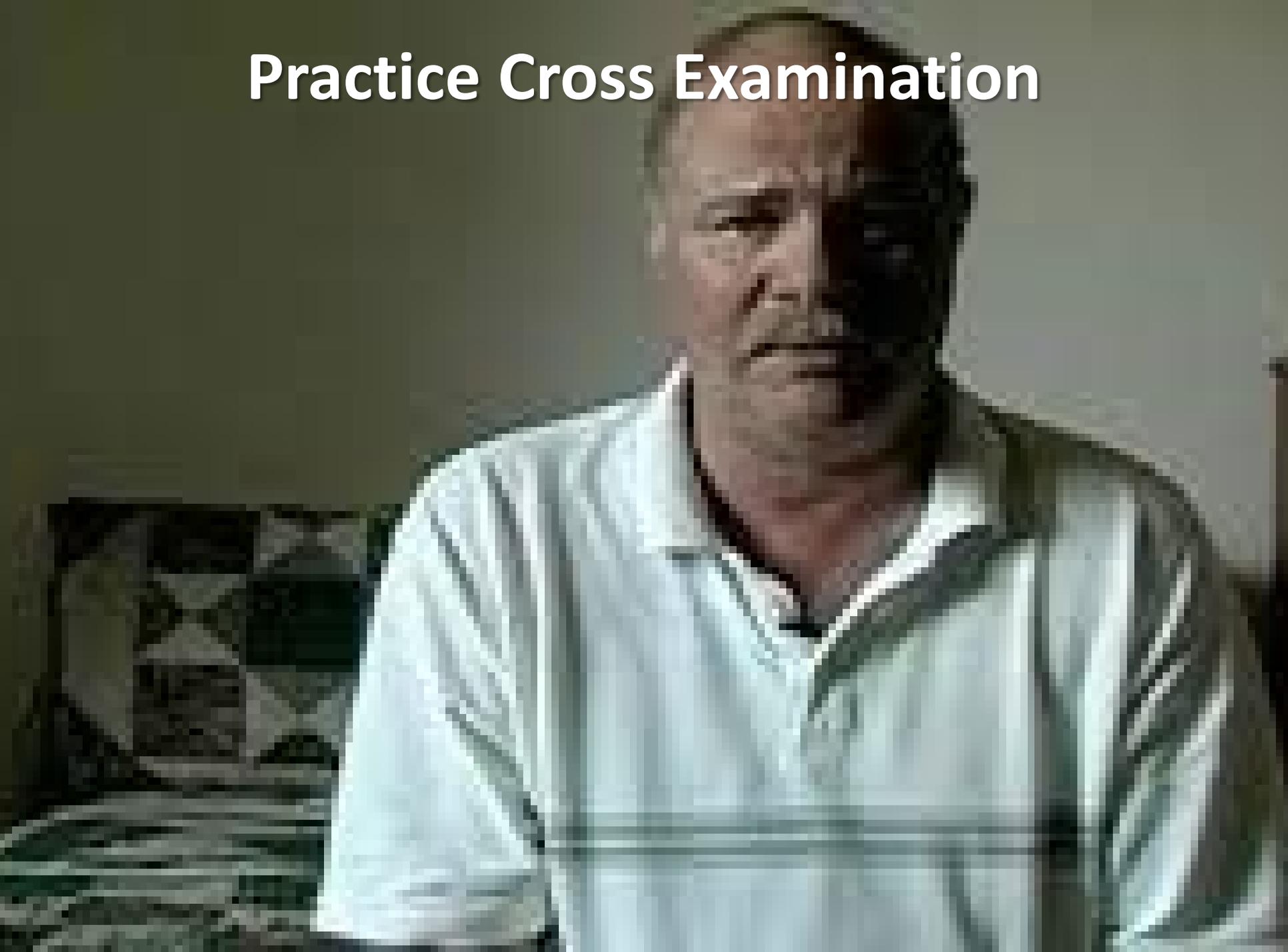
- **Try to avoid having written questions in court**
- **Clothing**
- **Looking at jury?**
- **Prepare client for you to ask “jury” questions**
- **What order do you call client in?**

Client Preparation – Cross Examination

- Inoculation
- Emotional tone
- Answer length
- Yes or no questions
- Predict difficult questions

“Are you telling this jury that your child is a liar?”

Practice Cross Examination





What, if anything,
happened next?



Death by Direct Examination



**"Yes, your honor, we have reached a verdict.
We find the defendant not interesting."**

“What, if anything, happened next?”

Maybe...

- Tell us more about that.
- Why do you think that happened?
- Let us know what you were thinking when she said that?
- In that moment, what are you thinking about?
- He hands you the bag, what do you do? (Looping)
- And...
- Why?
- Dimonte Rogers. Tell us about him...

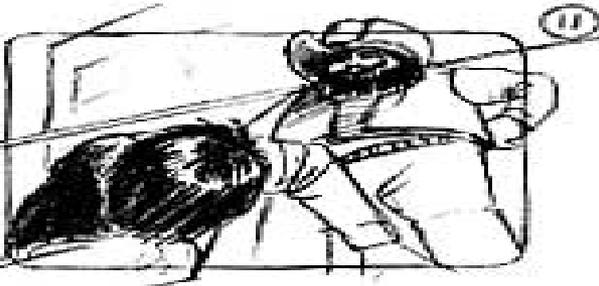
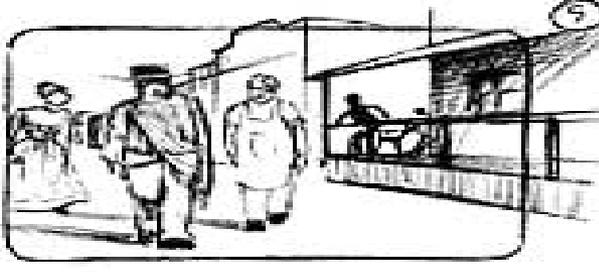
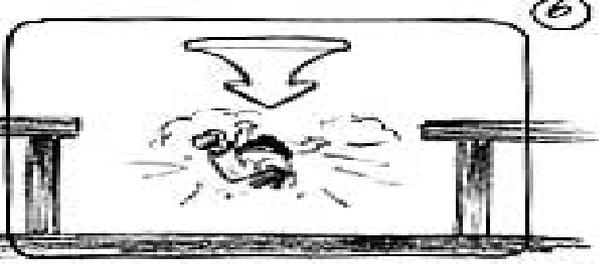
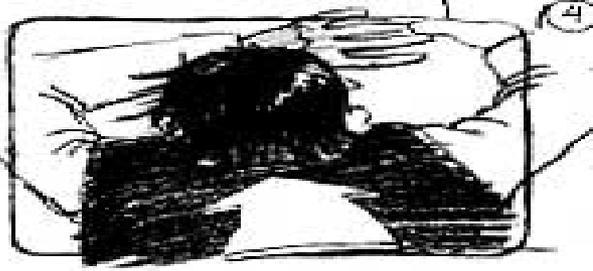
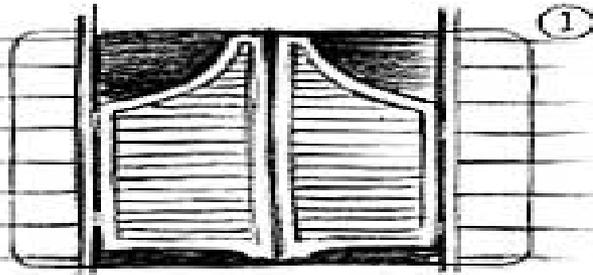
 FOREST HILL
COMMUNITY CENTRE
← ENTRANCE

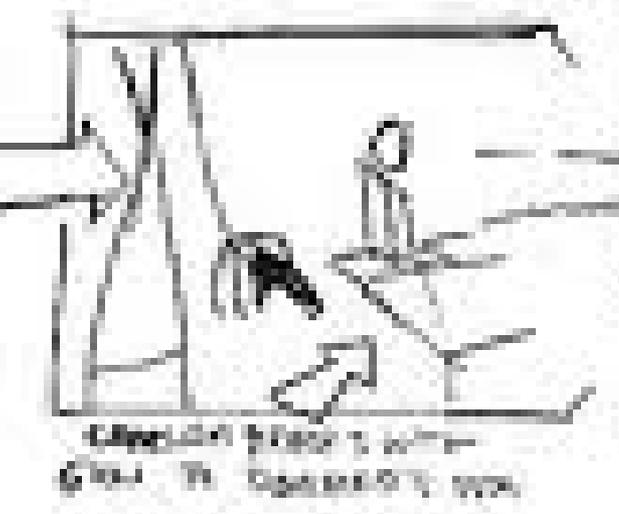
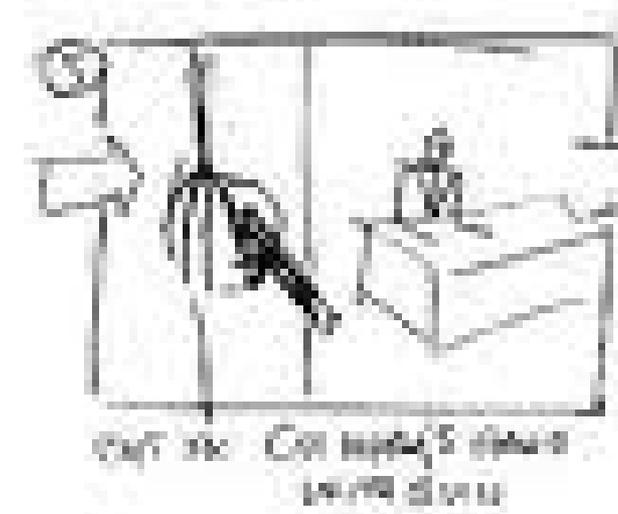
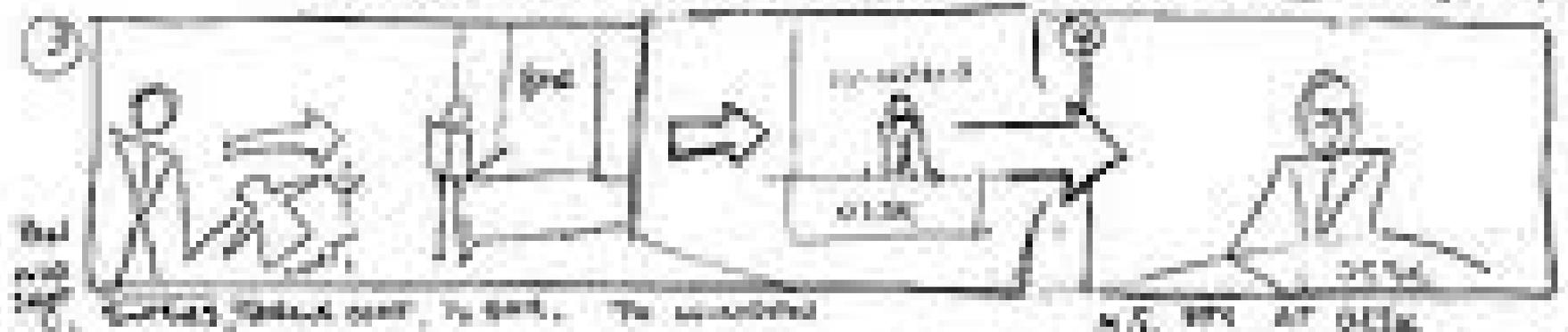
STORY
TELLING
HERE





Help the Client Become a Storyteller



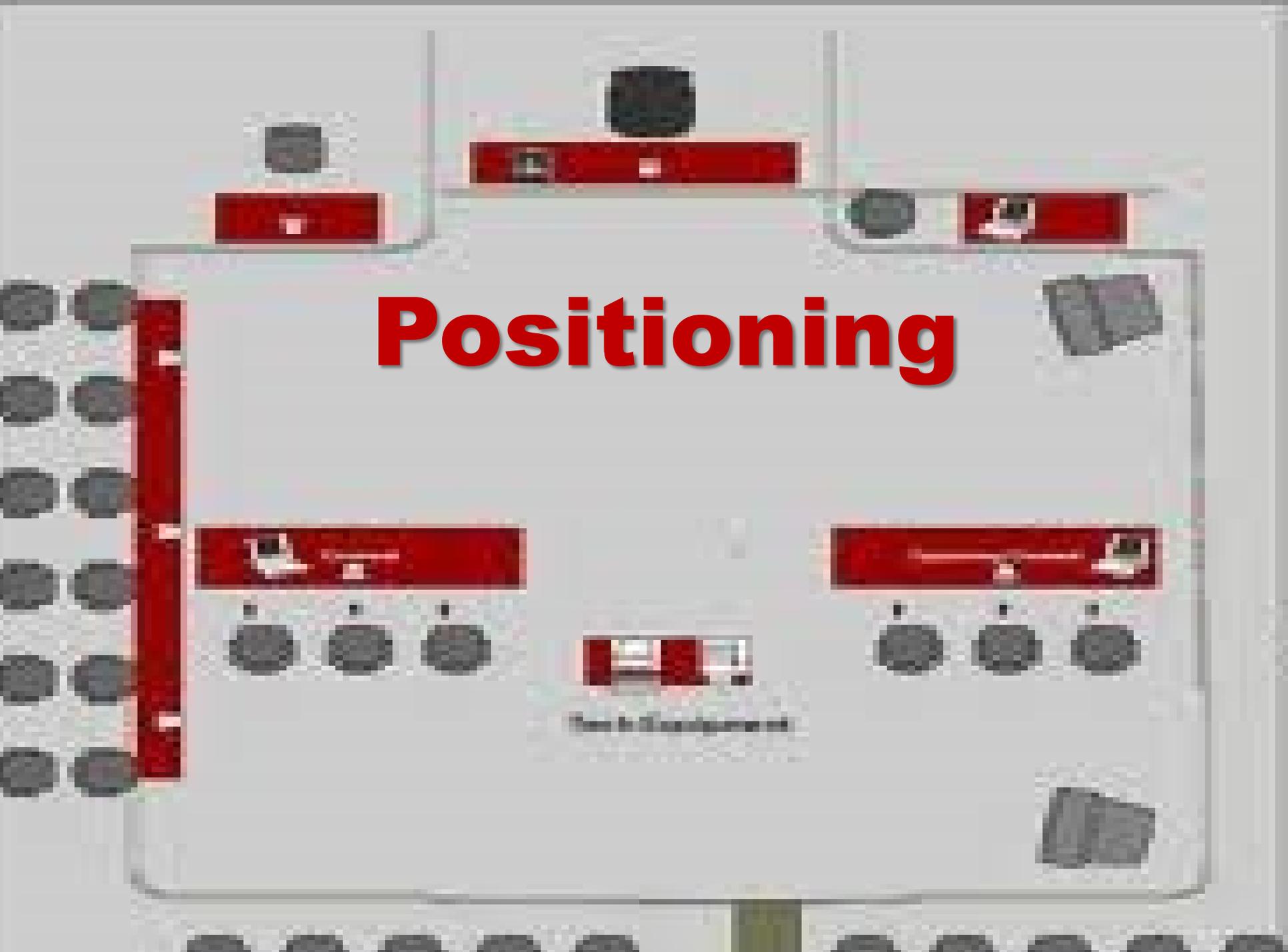


- 
- **What is the factual information?**
 - **What are the word pictures to be created?**
 - **What other senses are conveyed?**
 - **What is the emotional reality for the client?**
 - **What is the emotional reality for others?**
 - **What is the emotional reality for the lawyer?**
 - **What is the precise intent of the chapter?**

“I acted in self defense” or...

- What did it feel like in your stomach?
- In that moment, what did you think would happen if you did not go back into the house to get the gun?
- You see the gun in the drawer – what’s going through your mind?
- You have it in your hands, what does it feel like.
- Weight?

Positioning



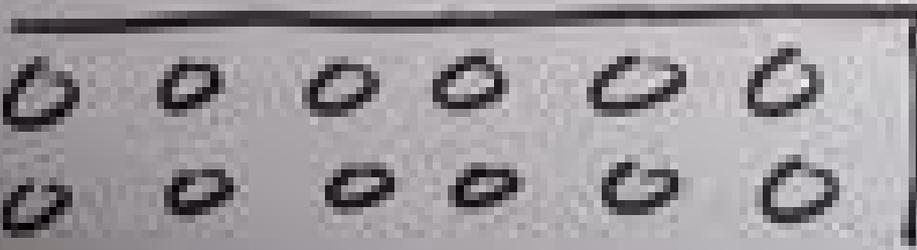
Def

Prop.

check

美

✳



category

Artifact Memory Recall















Demonstrations



1st Person Present Sense



Storytelling Techniques

- **Embed background information**
- **Use transitional thematic statements**
- **Using space in the courtroom**
- **Mirroring – tempo, volume, emotion**
- **Silence**

Direct Examination

Storytelling Techniques

- **Set up direct in the opening**
- **Sequencing of chapters**
- **Primacy and recency**
- **Backstory**
- **Flashbacks**
- **Looping**

To begin...





Listening =

Communication



what's
going on
MARVIN GAYE



INTENTIONAL

Classical Music Has a Place

But not Here



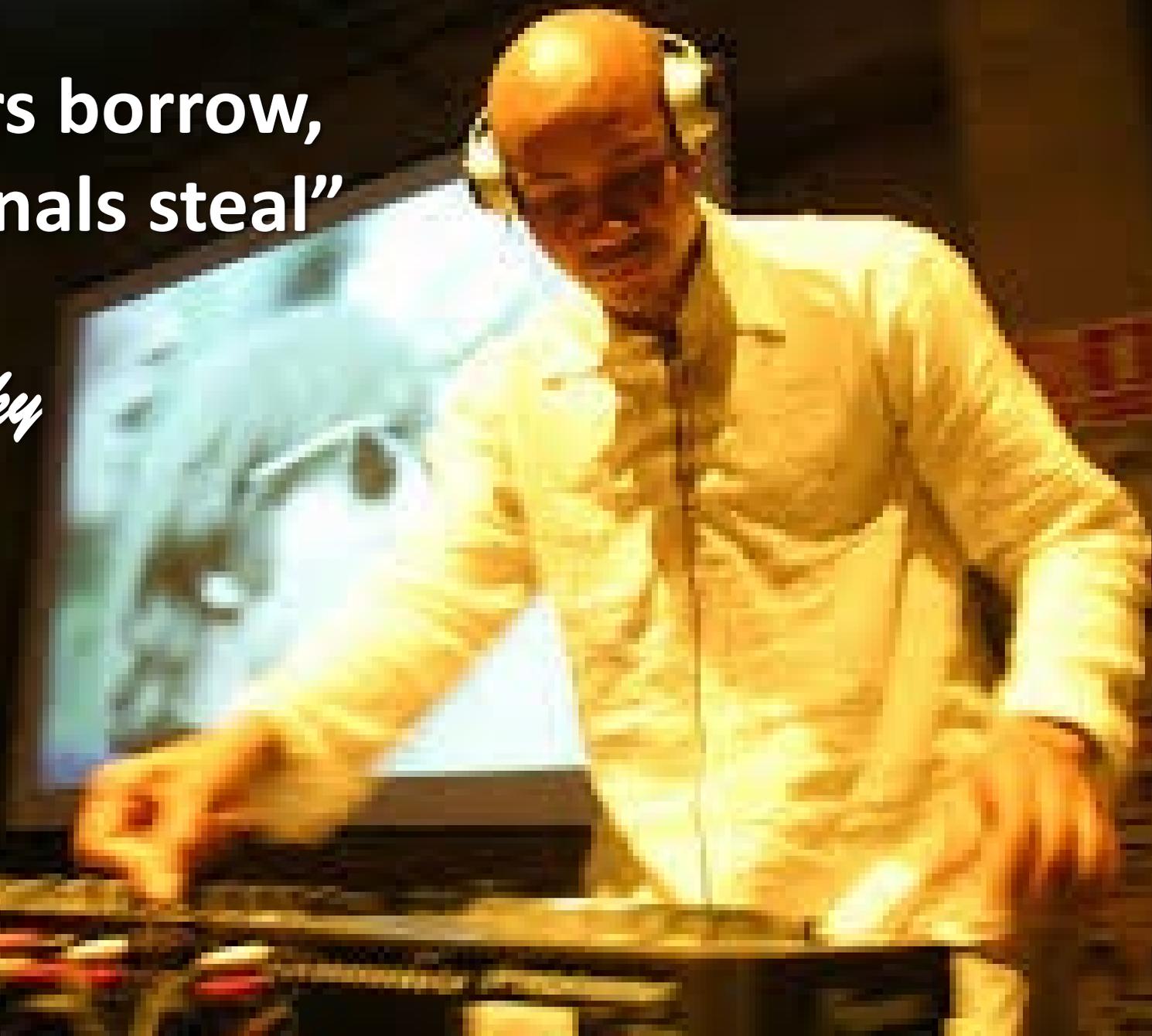
“You’re only
as good as
your record
collection”

DJ Spooky



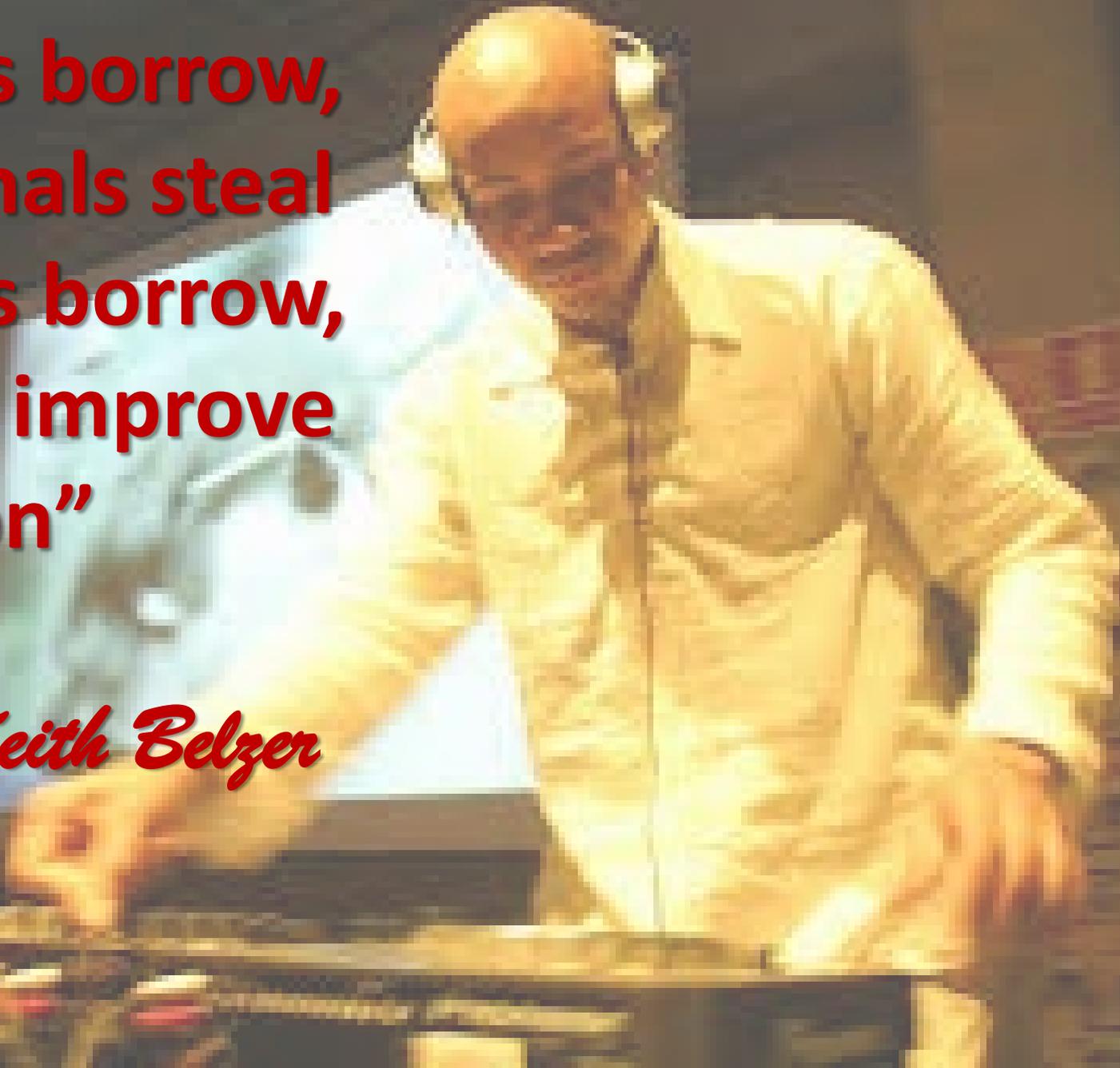
**“Amateurs borrow,
Professionals steal”**

DJ Spooky



**“Amateurs borrow,
Professionals steal
Innovators borrow,
steal, and improve
upon”**

Keith Belzer



Sequencing



**My heart is so small
it's almost invisible.
How can You place
such big sorrows in it?**

**"Look," He answered,
"your eyes are even smaller,
yet they behold the world."**

~ Rumi ~