The Legal Speaker Workshop

March 8, 2018

The educational arm of the Colorado and Denver Bar Associations.
LEGAL WORKSHOP DESCRIPTION

As an attorney, are tasked with many important presentations, from client meetings to business development to courtroom arguments . . . to continuing legal education presentations. Being an effective presenter isn't something you’re born with. It involves specific techniques, which you can learn. How do you, as a speaker, make sure that your listener sees the same picture, and comes to the same conclusions, that you did about the information you’re presenting?

From stage presence, to the sound of your voice, to the structure of your story, this workshop will help you use the tools that professional actors and directors use to paint a clear picture. You'll learn about the most common mistakes presenters make and the simple changes you can make to bring your presentations from good to great.

As presenters, most people underestimate their strengths, and misjudge their weaknesses. This workshop will finally give you confidence – you’ll know for sure what really works, what you do well, and where you should work to improve. This dynamic seminar takes you beyond the usual "public speaking" classes to help you discover how to be the most credible, most persuasive person in the room.

You’ll leave with clear techniques you can use immediately.

Then, you’ll find out from experienced CLE program attorneys how to find speaking opportunities, submit clear and concise proposals, and how to get started.

And, hear from several attorneys who have years of experience speaking for a variety of conferences and organizations.
AGENDA

8:00 am:  Registration and Continental Breakfast

8:25 am:  Welcome and Introductions

8:30-9:20 a.m.  The Actor’s Secret – Look Confident and Engaging, No Matter What You’re Feeling, No Matter What the Situation

- Control This, and Control the Room
- Building - And Keeping - Your Credibility
- What Behaviors Do Audiences Find Most - And Least Credible? The Answers May Surprise You

9:20-10:10 a.m.  Vocal Presentation Skills

- Volume - More Volume Equals More Credibility. But How Loud is Too Loud? What is the “right volume” for women? This will definitely surprise you.
- What You Say, and How You Say It
- Clarity and Enunciation - How They Affect Your Message, Your Credibility, and Your Persuasiveness
- Setting the Tone - How Your Vocal Inflection Affects Your Listeners

10:10-10:20 a.m  Networking Break

10:20-11:10 a.m  How Your Physical Presence Affects Your Presentation

- Is Your Body Language Contradicting Your Words?
- Using Your Body Language to Teach
- How Your Body Language is Affecting Your Credibility
- Reading the Body Language of Your Audience: What It Really Means

Controlling the Visual Focus of the Room

- How to Make Eye Contact in a Group Presentation
- When and How to Use Eye Contact to Build a Relationship with Every Listener
- How to Connect with Your Audience While Using Notes

11:10 a.m.-Noon  Nuts and Bolts of Submitting Topics and Proposal

- How I Got Started as a Speaker – The Panel Speaks
- Q&A

Noon  Adjourn for Lunch!
Faculty

WORKSHOP PRESENTERS

Leonard Matheo and Lisa DeCaro, Courtroom Performance, Inc.

Len and Lisa are co-founders of Courtroom Performance, Inc., a trial consulting firm dedicated to improving oral advocacy. Mr. Matheo and Ms. DeCaro have practical experience in hundreds of cases in the areas of civil plaintiff, civil defense, and criminal defense ranging from simple to complex litigation. With a national trial consulting practice that specializes in jury research (mock trials/ focus groups), witness preparation, and trial strategy, they have assisted in victories involving many Fortune 100 companies in high-profile litigation, on both the Plaintiff’s and the Defendant’s side of the courtroom. They have helped hundreds of attorneys and their witnesses prepare for deposition and trial, by employing the professional actor’s techniques of effective story analysis, story structure, and persuasive presentation. Professional actors and directors, they have been working exclusively with attorneys for over 20 years. Both are frequent speakers at regional seminars and national conventions and have served as faculty for colleges and conferences nationwide.

COLORADO BAR ASSOCIATION CLE PROGRAM ATTORNEYS

Barbara Hollingsworth, Esq., Colorado Bar Association CLE Program Attorney

Barbara has approximately 21 years’ combined experience in the fields of continuing legal and continuing medical education. Additionally, she practiced law for several years in the area of business law. In her current position, Ms. Hollingsworth plans continuing legal education programs for a variety of practice areas, including the largest CBA-CLE program, the annual Rocky Mountain IP & Technology Institute. She received her J.D. degree from Tulane University Law School.

Heidi Ray, Esq., Colorado Bar Association CLE, Assistant Executive Director

Heidi has more than 20 years of CLE programming experience, the past eight with CBA-CLE. Out of law school, Ray was a litigator in private practice for six years and then transitioned to the continuing legal education field, producing innovative programs for attorneys and other legal professionals. Heidi has planned thousands of CLE programs and worked with thousands of attorneys. As CBA-CLE Assistant Director, Ray helps run the nonprofit organization and oversee the 22-person staff. Ray received her bachelor’s degree from the University of Michigan and her law degree from the University of Denver College of Law.
CLE SPEAKERS - PANEL

Fay Chu Fong, Esq., Fortis Law Partners, LLC - Fay concentrates her practice in business and commercial transactions, mergers and acquisitions, securities, technology, and general corporate matters. She has represented a wide range of clients from Fortune 100 companies to start-up companies. Her practice includes negotiating, drafting, and reviewing documents for specific transactions, as well as counseling on general business matters. She was formerly a partner with a general transactional practice at Baker & Hostetler and at Dill Dill Carr Stonbraker & Hutchings, and has also practiced in-house. She serves on the board of directors of the Colorado Asian-American Bar Foundation. She is a past officer and director of the Asian Chamber of Commerce and the Asian Pacific American Bar Association of Colorado. Ms. Chu Fong is a graduate of the University of Colorado School of Law and holds an undergraduate degree in economics from the University of Rochester.

Jason St. Julien, Esq., US Attorney's Office, District of Colorado - Jason is an Assistant United States Attorney in Denver, Colorado and works in the Major Crimes Section of the Criminal Division. Prior to becoming an Assistant United States Attorney, he served as a Judicial Law Clerk to the Honorable Mary Ann Vial Lemmon, Senior Judge in the United States District Court for the Eastern District of Louisiana and the Honorable Wiley Y. Daniel, Senior Judge in the United States District Court for the District of Colorado. Jason is an integral part of the Denver legal community as he is the 2017 President of the Sam Cary Bar Association. Jason is a graduate of the Urban Leadership Foundation of Colorado's 2014 Chamber Connect Leadership Program and the Colorado Bar Association's 2017 Leadership Training class.

Qusair Mohamedbhai, Esq., Rathod | Mohamedbhai LLC - Qusair is a partner at Rathod | Mohamedbhai LLC. His practice is exclusively in the areas of plaintiff's employment discrimination and constitutional civil rights litigation. He advocates for the rights of employees in the workplace, and for the civil rights of all individuals against governmental and institutional abuses of power. Mr. Mohamedbhai frequently publishes and academically lectures on employment law, civil rights, and trial skills. He is on the board of Colorado Bar Association CLE and also serves on the CBA-CLE Diversity Task Force.

Ryann Peyton, Esq., Colorado Attorney Mentoring Program (CAMP) - Ryann serves as the Director of the Colorado Attorney Mentoring Program (CAMP), a program of the Colorado Supreme Court. A former litigator and a seasoned consultant and advocate on diversity and inclusivity in the legal field, Ryann is a frequent commentator, presenter, and lecturer having contributed to the Denver Post, Law Week Colorado, Denver Business Journal, KDVR Fox 31, Rocky Mountain PBS, and Colorado Public Radio. Prior to joining CAMP, Ryann focused her law practice on civil litigation with an emphasis on LGBT civil rights. Ryann sits on the boards of the Colorado LGBT Bar Foundation, GLBT Community Center of Colorado, Colorado Bar Association Young Lawyer's Division, and Center for Legal Inclusiveness. Ryann earned her law degree from the University of St. Thomas School of Law and holds an LLM and undergraduate degree from the University of Denver.

Catherine (“Cat”) Shea, Esq., Office of Attorney Regulation Counsel - Cat is a native of Shreveport, Louisiana. She graduated cum laude from Western Kentucky University with a bachelor's degree in English Literature and received her Juris Doctor from the University of Michigan Law School. Currently, Cat is an Assistant Regulation Counsel in the Colorado Supreme Court’s Office of Attorney Regulation Counsel, where she investigates attorney discipline, attorney disability, law examiner, magistrate, and judicial matters at trial and in appellate proceedings. Prior to working at the Office of Attorney Regulation Counsel, she was an Assistant Attorney General for the State of Colorado in the Business & Licensing Section. Cat is an active member of the Colorado Women's Bar Association and the Colorado and Denver Bar Associations. She has been a member of the Colorado Bar Association's Ethics Committee since 2014.
Excerpted from:

*The Lawyer’s Winning Edge: Exceptional Courtroom Performance*

By

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and
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Please note: This material references a video CD-Rom that is not included herein. We have provided an excerpted section from our book – the book includes a video CD-Rom that demonstrates breathing, voice projection, body language, and eye contact exercises.

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There are just three essentials to a good story: humanity, a point, and the storyteller.”

— J. Frank Dobie

“You don’t have to be right. All you have to do is be candid.”

— Allen Ginsberg

“Leap, and the net will appear.”

— Julia Cameron
Chapter 1:
“The key is sincerity, and once you learn to fake that, you’ve got it made!”
... And Other Really Bad Advice

Why are there so many people out there telling so many other people the wrong things about public speaking? There are many giving advice, but no one addresses the main issue: how we communicate one-on-one and how we communicate with a group of people, what’s the same and what’s different, and how we direct focus to our message.

In life, so much of our day-to-day communication is overwhelmed with facades, and most of what we are communicating relates to image. Usually, these images we project are quite simple: strength, anger, concern, happiness, love, kindness, confidence, and so on.

And herein lies the problem with what most people these days are passing off as public speaking training. Most teachers and trainers try to teach us how to “show” the emotions mentioned above. Hence, they may tell the student to smile when they give a speech because studies show that an audience is more receptive to a friendly face. Or they may tell the student to look people in the eye, because that will communicate honesty or trust. The problem, however, is that in telling people to be happy, or to be confident or to be concerned, we have effectively told them to “act” or “pretend” when they are speaking. The result is dishonest, phony communication.
When we attempt to teach people how to project a certain image, we set ourselves up for dishonest communication. Haven’t we all seen the salesperson whom we just don’t trust, or have been aroused by a public speaker, but then we become suspicious when he tries to sell us his latest book at the end of the presentation? So how do we teach the art of effective communication? How do we honestly—and with integrity—communicate passion, concern, authority, credibility, or righteous indignation? First, let’s define what we mean by “effective communication.”

Why do we communicate in the first place? Usually, it is to get a specific result from another person or group. Actors call it “playing an intention” or “playing an objective.” In other words, I want you to do something in response to what I am saying. It is my intention to make you do something. For instance, when we enter a fast-food restaurant and order a sandwich, we are asking the person behind the counter for a specific sandwich. We attempt to use the most effective words. We want the sandwich, and we are “playing that objective” to cause the other person to give us a sandwich. We try, though not always successfully, to communicate effectively to reach that goal. Have you ever tried to special order something in a restaurant and you find yourself tongue-tied, trying to explain to the server exactly what it is you want?

Whether ordering a sandwich or trying to persuade a judge or jury that your cause is the right one, the first step is still the same: to define your intention (what you want the listener to actively do in response to your communication). Making your motives conscious and intentional is the first step in the process.
Next, you want to find out what the listener's needs are regarding what you want. Are they compatible? Are they able to hear, understand, and believe in your message the way you are communicating it?

Finally, and most importantly, focus your attention and actions on helping the listeners obtain what they need to make the decisions you need them to make. The mindset of your communication is the most important element.

Let’s say, for example, that you are defending ACME Tool Company in a product liability suit. You want to communicate your theory of the case, which is that the tool was being used irresponsibly and that there is nothing wrong with the product. You have accomplished the first step by knowing what exactly it is that you want to communicate.

Now, here is where the plot thickens. Most attorneys never move beyond that first step (“What do I want to say?”). But the next step has little to do with what you want. The next step is all about the trier of fact. What do members of a jury need to help them understand and see the case clearly? Do they need to know about the painstaking research and design that went into this product? Probably. Do they need to know what the plaintiff was doing the night before the accident? Quite possibly. Do they need five different experts to tell them the same thing: that most accidents are due to human error? Maybe not. What specific details do the jurors need to know in order to understand your point of view?
And finally, you need to focus your attention and intention on helping them see your picture and come to the same conclusions that you did. Your focus is on specifically communicating the information they need to help them make a decision, and not on helping them see a simple image of you, such as “confident,” “authoritative,” “angry that your client is being accused,” and so on.

**More bad advice ... and by the way, all of these stories are true!**

A woman in the back raised her hand. The public speaking “expert” acknowledged her, “Yes, you have a question?” The woman stood (she was about five feet tall), and said, “I feel so self-conscious when I stand up in front of a group. I never know what to do with my hands!” She laughed nervously, and sat back down as quickly as possible. The “expert” said, “Oh, that’s not a problem. Just put them on the sides of the lectern.”

This is a true story. And that poor woman had paid good money for this?

Gestures and body language are an important part of your arsenal when it comes to persuasion. Why eliminate your ability to use them—and thus reduce your effectiveness—just because you feel uncomfortable and don’t know what to do with your hands? Speaking is a physical skill and can be learned. There are specific exercises and advice regarding body language in Chapter 4.
And still more

John was an excellent attorney. He was a good speaker, too. He structured an exciting argument. He modulated his tone of voice, inflection, and volume to illustrate important points and keep the jurors engaged. His one big problem was that he had a hard time “connecting” with the jurors. He could put on a great show, but he couldn’t go deeper. He was having a problem making effective eye contact—his eyes just didn’t seem to be making real contact. When we tried to work with him on this, he got a bit nervous and said, “I was told that since some people don’t like eye contact, I shouldn’t look them right in the eye. I was told I should actually look at their forehead, instead.”

Terrible, and dangerous, advice. Here’s an acting tip: One of the skills an actor will employ to play a blind person on stage is by looking at the forehead of the other actors on stage. This way, they are doing what a blind person does: looking in the right general direction, but not making a connection. Eye contact in our society is extremely important. In a courtroom, it is vital, not just because people don’t trust someone who can’t look them in the eye, but also because if you are not making effective eye contact with your jurors then you can not possibly be “listening” to them. You can’t possibly be the most interested person in the courtroom if you aren’t making that connection. (We discuss eye contact techniques in detail in Chapter 5.)
Beware

People mean well; they offer you advice to be helpful. However, some people have a hard time expressing what they think you should do in language that is both clear and constructive. Some advice is not helpful, some makes you more self-conscious, and some is just plain wrong. The point is: question the advice you receive about public speaking.

Remember these four important truths, and filter all advice through them:

1. Every speaker is different. There is no “right” presentation style. What is perfect for me may be awful for you. Be honest with yourself, and with your audience, at all times.

2. Never try to “be” anything. If you try to “be authoritative,” you’ll end up looking arrogant. If you try to “be confident,” you’ll end up looking awkward. Instead of trying to “be” something, try to “do” things that accomplish your goals. If you want to appear confident, do what confident people do: stand up tall, with your feet approximately shoulders’ width apart. Balance your weight. Come out from behind the lectern or table. Make effective eye contact. Allow gestures to convey the meaning of your words. Speak strongly, with enough volume to be heard easily at the back of the room. Pause for emphasis. Smile when appropriate.

3. Your focus should always be on your audience. Self-consciousness is just that: being overly conscious of
yourself. Become conscious of your audience—their needs, their reactions, their mannerisms, their habits, their values. Everything you do should make it easier for them to listen, to understand, to argue your case in deliberations, to teach their spouse everything they've learned about how a new product is tested.

4. **Your biggest asset is your credibility.** Never, under any circumstances, do *anything* that will diminish your credibility. You may have the most brilliant argument since the Gettysburg Address, but it won't mean anything if the jurors simply don't believe you.

Any advice that you receive should work within these four filters. If someone you trust is trying to help and their advice is not clear, ask them to be specific about what you are *doing* that they think is ineffective. If an expert tells you to do something that clearly puts your comfort ahead of your audience, then think carefully about whether that is truly good advice. As we discussed earlier, something that instantly feels comfortable may not be the most effective: indeed, many elements of effective communication feel uncomfortable until you've gotten used to them. Beware of shortcuts.

Sometimes, bad advice just needs to be translated into an action—something you can do, which makes it easier for your listener, and boosts your credibility.

Give serious thought to all advice and try to figure out what the person giving the advice is responding to. You can't necessarily “trust your instincts” about whether it is good advice or
bad. Anything new will feel uncomfortable at first, and as we said earlier, your comfort is less important than your audience's understanding of your message.

Read, learn, practice, and then practice some more. That's the best way to learn how to handle advice—the good, the bad, and the ugly.
Chapter 2: How To Use Your Voice To Create “Vocal Thunder” In The Courtroom

Try this exercise: Take a deep breath and hold it in. How does it feel? Do you feel tension in your chest, your throat, your face? Now try to speak the first sentence of your opening statement. How do the words sound? Are they strong or weak? Do you feel relaxed, or do you feel tense? Although the exercise is an exaggeration, these are the same sensations that attorneys can experience when they go into the courtroom without preparing their voice.

The deep breath exercise teaches us where the work begins: it all starts with the breath. Now try this little exercise: Take a deep breath and hold it in for two seconds, then let it out slowly to a count of seven. Don’t hold it in, but make sure that you take at least seven seconds to exhale. Do this several times. Now speak the same line again that you spoke before. What do you feel now? Is there more tension this time, or less? How does your voice sound this time, is it strong or is it weak? You see, it all begins with the breath.

In order to control the courtroom with your voice, you must first learn how to control your breath. Holding our breath is usually an unconscious reaction to fear. This is a “fight or flight” mechanism, preparing our bodies to listen for danger and deal with it. Back in the caves, we needed this instinctive, adrenaline response to escape death. But the body can’t differentiate between the adrenaline rush that comes from a predator
approaching your cave from the one that comes from speaking in public; the physical response is the same. The breath stops, just the same way. Now, as scary as jurors can be, we've never actually seen a jury attack and eat a trial lawyer. So this instinct can hurt more than it helps in the modern world, creating tension throughout the body and within the voice.

The actor's great secret— to controlling his voice, his body, his memory, his ability to connect with the other actors, the focus of the audience, his entire performance— is breathing.

Many people will hold their breath before they speak because they are afraid of saying the wrong thing, or are concerned with how their voice will sound. But what really happens when the advocate holds his or her breath? The first thing that happens is that the chest rises and there is tension. The vocal chords also become tense, and ultimately the mind becomes ill at ease. Words need something to carry them, and that something is air. The more air that is placed under the words in order to lift the sound, the more clear and solid is the voice, and when every word is carried with that same solid cushion of air, that phrase or sentence is conveyed to the listener with strength and confidence.

Abdominal breathing

The technique of abdominal breathing is vital if an advocate is going to speak with power and authority. Actually, this technique is not so much a new way of breathing as it is a re-learning of our natural way of breathing.
Baby's breath

Have you ever noticed that when a baby screams all night long he still has his voice in the morning? He doesn't lose his voice, as many adults do, no matter how much—and how loudly—he uses it. He can scream in a way that makes us adults cringe, thinking "That must hurt!" But, clearly, it doesn't. He can keep it up for hours, and then the next morning he doesn't have a scratchy, painful voice. He's ready to do it all over again.

This is because a baby breathes in a natural and unfettered way. He is using the breathing apparatus exactly as it was designed. Ineffective breathing is a learned behavior. For us truly to understand this, it is important first to understand exactly what abdominal breathing is.

Breathing is not initiated by our lungs. When you take a breath, the diaphragm (located directly below the sternum) expands, actually pulling air through your nose or mouth, down the trachea, and into your lungs. When you exhale, the diaphragm contracts, making your chest cavity smaller, and forcing the air from the lungs and back out through the same channels as mentioned before, right past your vocal cords. This an example of natural, relaxed breathing. But what do you think would happen if any part of this apparatus was blocked, or constricted?

The most common area of tension that gets in the way of our breathing is our abdominal muscles. From the moment vanity becomes a part of our life, we are taught to "stand up straight and suck it in." We are taught that to relax our belly is improper posture.
Exercise: Take a deep breath into your chest only. Do not allow your abdominal area to expand. Now recite the alphabet, increasing and decreasing your volume and pitch. Did you feel like you were holding your breath to make it to the end? Did you even make it to the end? Did you feel like you had control over your volume and voice? Did you like the tonal quality of your voice?

Now try the following abdominal breathing exercise. (review the enclosed CD-ROM for a demonstration of this exercise)

Exercise: Stand in front of a mirror with your feet shoulders' width apart. Place your hand on your belly directly below your sternum and above the bellybutton (the sternum is located in the center precisely where the hard portion of your ribs end). Relax your belly, and for the time being, imagine that you are breathing into the stomach area. Focus on allowing your breath to move your hand. Breathe in on a count of four and exhale on a count of eight. While doing this, watch your body. The only movement should be in your belly. Your shoulders should not rise and fall when you breathe. Concentrate on breathing directly into the abdominal area. The major sensation you should feel is the air coming through your mouth and your diaphragm rising and falling.
Now take another breath and exhale completely, but don’t inhale. Don’t let yourself inhale until your body does it for you—until you feel your diaphragm drop, pulling air into your lungs. Did you feel your abdomen “release”? Did you feel where the breath went (into your “stomach” area, not into your chest)? This is the way your body breathes when you are not controlling it. This is the most effective way for your body to take in air. If you are having a hard time breathing into your abdominal area, lie flat on your back and relax. As when you are asleep, you’ll feel your abs relax, and you’ll breathe properly, into your abdomen. Now repeat the exercise you did with the alphabet, but using your new technique of breathing into your abdomen.

Can you feel and hear the difference?

**Vocal tone and volume**

The voice is a very powerful emotional tool. It can make people laugh, cry, or cringe. It can inspire action, sympathy, or distaste. It can convey our most universal human emotions, or unmask hidden fears against our will.

To use your voice powerfully in the courtroom, you do not need to have the smooth, deep baritone of James Earl Jones. You do not need to have the vocal power of Pavarotti. You can have a lisp or a stutter. But you do have to have enough control over your voice to express yourself successfully and tell an
emotional story. You do need to be heard by the trier of fact, and heard easily—if you force the judge or jurors to work hard to hear you, they will eventually give up. You need to have a voice that is pleasant—neither shrill nor rasping. You also need a voice that is strong and healthy enough to speak all day without becoming tired or scratchy, and losing all of this control.

The mechanics of the voice

When air is pushed out of the lungs by the contraction of the diaphragm, it passes through the trachea and past the vocal cords. The air causes the vocal cords to vibrate, producing sound. One common misunderstanding is that the vocal cords are responsible for the volume and tonal quality of your voice. The sound is initiated by the vocal cords, but is amplified by cavities of air in your face, head, neck, and chest, called resonators. These resonators are the “amplifiers” that allow Pavarotti to be heard all the way in the back row at Carnegie Hall. If you rely on your vocal cords to increase your volume, you will strain, and possibly lose, your voice.

Each resonating cavity is primarily responsible for amplifying different sounds and pitches. The higher cavities (in your head and face) are responsible for the higher pitches, and sounds like “eeee.” The lower the cavity, the lower the pitch it resonates. For this reason, it is essential to develop the use of each resonating cavity. If you feel you have a flat, “colorless” voice, it is because you are not effectively employing each resonator. Have you noticed how flat your voice sounds when you get a cold? Have you noticed it usually sounds “lower” in pitch when your sinuses are clogged? That is due to the fact that the
resonators in your head and face are not functioning. Using the complete range of resonators means the difference between a "mono" voice and a "stereo" voice. The exercises at the end of this chapter, and on the enclosed CD-ROM, will help you develop the resonating power of each of these cavities, to give you a "stereo" voice.

The vocal apparatus is like any other muscle: it must be exercised and trained to operate at peak efficiency. Done regularly, the warm-ups and exercises at the end of this chapter will help you earn a voice that is filled with color, responds to your wishes, and never lets you down.

**Vocal warm-ups**

In addition to the body, it is essential to warm up your voice. As stated in the "Vocal tone and volume" section above, your vocal quality is a vital element of your presentation. The following exercises are designed to relax and to strengthen the voice. Please read through this chapter, then review this material on the enclosed CD-ROM. Remember, while doing all vocal exercises, be sure that you are standing in what we call a neutral position: arms hanging at your side, feet shoulders' width apart. Please use the breathing techniques described in this course. Improper breathing can cause injury to the vocal cords.

As we mentioned in "The Mechanics of the Voice," the vibration of the vocal cords initiates the sound, but that sound is amplified and animated by the resonators—resonating cavities throughout your head, face, neck, and chest. Warming up
and strengthening these resonators is essential for healthy, powerful, and enduring vocal quality.

**Daily vocal humming**

This exercise will dramatically increase your vocal power and the life of your voice. Please refer to the CD-ROM for a demonstration of this exercise.

1. Begin by humming a familiar song (“Happy Birthday,” “Mary Had a Little Lamb,” “Little Red Corvette,” or any song that is familiar to you).

2. Progressively hum louder with each verse of the song. Now open your mouth wide and release your jaw, but keep humming, not singing. The sound should be exactly the same as it was with your mouth closed. If you are having trouble with this, try placing your tongue flat against the roof of your mouth. Make sure the sound is coming out of your nose, not your mouth.

3. Be sure that your jaw is relaxed. Tension in your jaw and neck can cause you to strain or injure your vocal cords.

4. Place your hand on your chin and jaw and hum through your nose, mouth open, hand on chin and jaw.

5. Increase your volume, until you can feel your sinuses vibrating.

6. Continue for 5 minutes.
This exercise, more than any other, can quickly improve the quality and strength of your voice. Done regularly, it can greatly extend the life of your voice. To get the most out of this exercise, you must hum loudly enough to feel the sound vibrating in your nasal cavities, and your jaw and neck must be relaxed. Practice this for one week—five minutes every day—and you will notice a marked difference in the quality of your voice.

Humming loudly will vibrate your sinus cavities, and after a few minutes it will cause them to drain. (This is a bonus for allergy sufferers and can help a lot if you have a cold.)

Resonators

These exercises will open up the resonating cavities in your body. First, spend a few minutes on each of the five sounds. When you feel like each sound is warming up the desired resonating cavity, put them all together. Start with the first sound, and go through each one consecutively on the same breath:

“MEE”

This sound should come from high up in your nose. It should be very nasal. It is designed to warm up your nasal cavities and those in your forehead, not to sound beautiful. If you can’t feel it vibrating in your nose and forehead, you are not making the sound nasal enough. Try putting a pencil between your teeth (with the ends sticking out to either side of your mouth). Make the “MEE” sound again, and focus on sending the sound up and over the pencil.
“M A Y”

This sound drops a bit to the middle of your face, where the sinus cavities are located. It is lower in your nose than M E E, but still above the teeth and very nasal.

“M A”

Now the sound is in your mouth, coming from your lips and tongue.

“M O”

This sound comes right from your throat. You should feel it in the area around your Adam’s apple. Do not force the sound to be loud, just the vibration will do it.

“M O O”

By now, the sound is in your chest. You should feel the vibration in your chest cavity.

*Putting voice and breath together*

“H A, H A, H A”

Take a deep, abdominal breath. Now vocalize on a quick and loud “H A” sound, one single breath per “H A.” You should feel your diaphragm area (the belly) pulsing, thrusting, and releasing with each sound. Be aware of any tension you may have in your body, especially the throat. Now exhale with a long “H A” sound on a count of eight. Pick a spot across the room and send the sound on a cushion of air to that spot.
“H O, H O, H O”

Now repeat the same exercise with the sound “H O.” Be aware of what your mouth and throat are doing with this sound, as opposed to the “H A” sound. How are they different? How are they alike?

“H E E, H E E, H E E”

Now repeat the same exercise with the sound “H E E.” How does this sound feel? What is happening with your mouth that is different from the other sounds? It should be more widely open in order to produce a clear sound.

Releasing tension in your face

Squeeze your face tightly; scrunch it up really small, then release. We call this the “prune face.” Now open the face wide as you can, stretching the tongue out as far as you can. This is called the “lion face.” Now squeeze your face tightly again, and then open it wide. Squeeze, open. Squeeze, open. Now place your hands on your face right below each ear and start massaging your jaw muscles. Massage the muscles from the top of the jaw (below the ear) all the way along the jaw line.

Tongue twisters

Do you know what the strongest muscle in the human body is? The tongue! So, what would you do if you had an athletic event coming up that would work certain key muscle groups? You would train and exercise those muscles. The following tongue twisters are designed to help you exercise your tongue to
help you improve your overall diction. Repeat aloud the following tongue twisters as quickly and as clearly as you can:

- Unique New York, Unique New York
- Toy Boat, Toy Boat, Toy Boat
- Red Leather, Yellow Leather

When you can do these three without trouble, try the ones on the list below! If you find yourself breaking into laughter, good! It is all part of warming up, and anything that “cracks you up” will help free you for a better performance.

- Mercurially
- Merkily Mercurially
- Trash Us, Trash Us
- Minimally
- Minimally Ninny
- Young Onion
- Onion Reunion
- Syllable Sibilant
- Minimally Linearly
- Minimally Mimmy
- Young Onion Reunion
- Stitch Wish
- Presseth Precious
- Worthy Worthily
- Preface Precious Presseth
- Young Runyon Onion Reunion
- Linearly Literally
- Literally Literary
- Minimally Melanie
- Melody Melanie
- Minimally Milliner
- Mental Metal
- Minimally Millennium
- Linoleum Millennium
- Aluminum Millennium
- Lemon Aluminum Millennium
- Ghoul Girl
Putting all your vocal exercises together

Stand with feet shoulders’ width apart and your arms hanging loosely by your side. Your head should be balancing on your body as if you had a string running from the base of your spine, through the top of your head to the top of the ceiling. This is the neutral position. Take a moment to breathe and relax in the neutral position.

Speak your opening argument with no movement, i.e., no gestures, facial expressions, eyebrow lifting, and so on. When you feel tension creeping into your body, stop, breathe into the area of tension, release it, and begin again. This will force your emotion and expression into your voice. It is not easy, so keep practicing.
Chapter 4:
Why Your Body Sometimes Feels As Though It Is Working Against You

Your body is the instrument with which you communicate with the judge, the jury, and even other attorneys. The gestures that you use, the way that you hold yourself, where you hold your hands, what you do with your face all give your “audience” a lasting impression of who you are. Extensive studies show that people make up their minds about another person within 30 seconds of being with them. This may sound extreme, but it is certainly true that we have a concrete first impression of another person by this time, and bad first impressions are notoriously difficult to overcome. Remember, concrete can be broken, but it requires a jackhammer.

There is a difference between perception and reality. If the reality is that you feel confident, honest, and relaxed in front of the jury, but the perception of the jurors, for whatever reason, is that you are nervous, dishonest, and uncomfortable, then you must change your body language to change the jurors’ perception. The perception of the jury, right or wrong, is more important than your reality.

Question: Are you controlling your body, or is your body controlling you?

Recently, we were working with an attorney who felt that he gestured too much. When asked to elaborate upon this, he said that in law school one of his professors had told him that when
arguing before a judge or jury, one should keep all movement to a bare minimum. The attorney is of Italian heritage, and he told us that everyone in his family “talks with their hands. It's a constant battle for me to keep my hands still. I hold them behind my back, I hold them together in front, but the truth is, I am very self-conscious about it. The last thing I should be thinking about when trying to present my case is ‘Hey, how do my hands look!'”

Whenever we conduct a seminar and we ask how many people feel that they don't know what to do with their hands, or how many feel that their hands feel like cement blocks attached to their arms; inevitably, half of the people in the room raise their hands in agreement. (Then, we ask again, and up come the additional hands of people who were too self-conscious about their hand gestures to raise them the first time.) Why this unconscious fear of gesturing? Why are we afraid to involve our body in our presentation? Is there such a thing as gesturing too much?

The truth is that almost any movement is appropriate provided that it has a purpose. If you are moving your hands from side to side because you do not know where to place them, the resulting hand movements become distracting. However, if you move your hands with purpose—for example, in order to point out a person in the courtroom or perhaps to illustrate a point or an image—then your movement is an extension of your thought processes—or for our purpose, your storyline. The same is true not only of hand gestures but of all body movement. If, for example, in your storyline you are trying to convey the idea that a person was extremely stubborn or rigid,
crossing your arms across your chest may be a great way to illustrate that without having to articulate it in words.

The basics of body language are vital for the advocate to understand. Do you know anyone who constantly crosses their arms in front of their chest? Or who repetitively flicks their hair out of their face? Or someone who cannot stand and talk to other people without leaning on a wall or a lectern? How about an attorney who seems trapped behind the counsel table, and not because the judge has ordered it?

The truth is that we all have these unconscious mannerisms, and they are usually a product of habit, fear— or even worse, both. Fear or discomfort is usually the environment in which our nervous habits appear.

There are no absolutes regarding gestures and movement. You can adjust your glasses a few times if you need to. You can clasp your hands behind your back a few times. You can put your hands in your pockets, or cross your arms, or push up your sleeves. But if these gestures become habitual, then they are getting in the way of your message.

We have all experienced the torture of standing in front of a group of people and feeling like our body is out to get us. Overcoming this problem requires rehearsal. Although some lawyers (or actors) may argue that rehearsing too much or memorizing their opening or closing will detract from their spontaneity, we believe quite the opposite is true. When you have practiced and prepared your presentation in front of a listener, or a coach or consultant, memorized and perfected the
text for optimal effectiveness, you will actually have more freedom to improvise and to be spontaneous than if you were not prepared. When the jury joins you, remember that this is the first time that the jury has heard it, and your freshness and spontaneity comes from your being present in front of this group of people. Without fail, the best and most effective openings and closings that we have seen were memorized, rehearsed, and worked and re-worked. The attorney had lived with the words for so long that it gave them such a confidence and authority that the jury was compelled to listen.

If you know the text that well, then you are free to forget it—to know that it will come to you as needed. You can make adjustments—the sound of your voice, your word choice, the gestures you use, can all be modified because you know the text completely.

Joshua Karton recommends a wonder exercise, which has many applications: find a partner to serve as your “audience.” Tell your opening statement to this audience without using your voice. Pantomime, gesture wildly—use anything but words to convey your story. When you have finished, ask your “listener” to repeat your story back to you, as he or she understood it. (Your partner is allowed to use words.) Still using only physical gestures yourself, fill in any vital information you failed to communicate to your partner the first time. This technique will not only make you a more natural, relaxed “gesturer,” it will also lead you to discover many powerful gestures that you may want to use in court, to enhance your story.
David is an excellent criminal defense attorney. Although his opening statement was well written and thought out, David needed our assistance using physical gestures. His eye contact with the jurors was good, but he seemed to be cut off from the waist up. The jurors thought that he appeared stiff. After working with him on some exercises to free up his body, we discovered some gestures that would enhance his argument. In one part, he punched his open palm suddenly and with force when he was explaining how his client had been beaten. In another part, he clenched his fist to illustrate how his client had been choked. All of these gestures came when he let them come. We did not give them to him. He found them on his own. But most importantly, they enhanced and contributed to his argument. They did not detract from it.

Recall what we said earlier that one should only move with purpose. The same is true of gesturing in the courtroom. Your gestures should be a natural extension of what you are saying, your storyline. There’s an old acting saying: “Don’t just do something, stand there!” When a person who is not trained in the art of communication and presentation says that you gesture too much, most of the time what she means is that you are doing the same gesture over and over again; hence, the repetitiveness of the gesture has become distracting. Standing relaxed and still is better than gesturing nervously without intent or purpose.
But how do you know whether your gesture is appropriate? When are the times when less is more, where standing still is more effective? Is there such a thing as gesturing too much?

When you are preparing your opening or closing argument, there are four questions you should ask:

1. How does this affect my credibility with the judge and jury?
2. Do the gestures enhance or distract from my argument?
3. In this instance, is less more?
4. Does the gesture add or detract from my courtroom presence?

Movement and the use of space

Always move with purpose. Particularly when speaking to an audience or a jury, it is important that every move you make is conscious and an extension of your story. Walking and movement can effectively enhance your presentation. Actors who play attorneys on television walk around the courtroom. Why? Because their director knows that conscious movement can add importance to an issue and make a statement more interesting. The director has “blocked” (planned) that movement very carefully. Wandering aimlessly, or shifting from foot to foot, will not enhance your presentation; it will detract from its forcefulness.

The key to moving effectively in the courtroom is awareness. Few of us are aware of our nervous behaviors. Try these techniques to make yourself aware of your own nervous habits:
- Rehearse your story in front of a mirror—or better yet, a video camera.

- Ask for honest criticism from someone you trust and will listen to.

- Keep in mind that it is all right to move your hair away from your face or to put your hands in your pockets for a moment. But if these movements become habitual, the jury will perceive you as nervous and you will lose credibility with them.

- When in doubt, don’t just do something, stand there!

**The curse of the lectern**

Of course, there will be times when you are arguing in federal court, or before a judge who chains you to a lectern or counsel table. This recent trend to prohibit lawyers from moving about in the courtroom is a response to the random, superfluous movements some advocates cannot restrain themselves from making. Some judges are worried that the lawyer will “take over the courtroom.” If you use all movement in a conscious, meaningful way, you reduce the chance that it will annoy the judge and that he or she will force you to stand still. If you are required to stay at the lectern, do not stay behind it. We know that the lectern creates a sense of security: you don’t need to worry about your hands, your notes are there, the microphone is there, and so on. But the lectern creates a visual block between you and the jurors. It makes your presentation much more formal, and makes it nearly impossible for you to
communicate with them as one of them. It separates you from them, literally and figuratively.

If you happen to be “vertically challenged,” as Lisa is at 5'3", the lectern becomes an even greater problem. You can’t use gestures to enhance your argument and clarify your picture because your hands can’t be seen above the lectern. You look small, and you become a talking head.

If you must be at the lectern, you can nearly always eliminate the barrier while maintaining the benefits of the lectern by taking just one step. For example:

- If the judge is directly in front of you and the jury is to your left, take one step backward. From the judge’s perspective, you are still behind the lectern. From the jurors’ perspective, you are not. And you still have your notes, your water, and the microphone a mere step away.

- If the lectern is set up in such a way that the jury is directly in front of you, take one step to the side, off the back corner of the lectern. Again, all of the benefits of the lectern are still available to you, but you have eliminated the barrier between you and the jurors.

**Body warm-ups**

On opening night, a professional actor does not stand around rehearsing his lines. Instead, he tunes his “instrument”: he warms up his body and voice. A good actor knows his lines cold; he is prepared with his text. A good actor also knows that
if he forgets his lines, he will be okay. He knows the story. And so it should be with the advocate. You have been living with your story for months, perhaps even years. When you simply tell your story, there is no such thing as losing your place.

Many attorneys tell us that they feel physically and vocally relaxed by the second or third day of trial, but the first day is one big haze of nervous tension. Given the fact that your first impression will be established in voir dire and during your opening statement, the third day may be too late to fix a negative first impression.

A simple warm-up helps you release the tension that prevents you from honestly communicating with your listeners. It also gives you the benefit of “beginning” your presentation before you even walk into the courtroom. Thus, you are not beginning your performance the first time you stand up to speak; you are merely continuing the process that you started in your car on the way to the courthouse.

**Body warm-up exercises**

The exercises on these pages and the enclosed CD-ROM, help release the tension we all hold in certain parts of our body. If you succeed in releasing the tension, your body functions as one unit. Your hands become an extension of your body and emotions, instead of useless distractions that make you self-conscious.

When warming up your body, find a place where you will not feel self-conscious, a few floors up from the courtroom perhaps. Always remember not to stretch too far when you are
warming up. If you feel any pain or discomfort, stop. Always breathe correctly. Use your breath to enhance a stretch; your muscles can’t work without oxygen, and you can’t relax without breathing. Also try to remember that when you are stretching any part of your body, relax the rest of it. For example, don’t relax your neck while placing undue tension in your shoulders or arms. Try the following exercises:

**Tense and release**

The basic tense and release exercise is something you can do virtually anywhere, even in the courtroom. People will not know that you are preparing your body for performance.

1. Make a fist. Squeeze hard, feeling the tension rise from your hand all the way to your shoulder.
2. Now release.
3. Repeat and release. Notice how much more relaxed that area of your body is.
4. Repeat, using your feet, shoulders, and abdominal muscles.

**Head rolls**

1. Stand up straight, feet shoulders’ width apart. Imagine that there is a string running from the base of your neck straight through the top of your head.
2. Now let your head drop down in front of you, chin to your chest. Be sure not to tense your neck. Your head
should just be hanging in front of you. Take a minute to feel the stretch, then slowly raise your head back to center.

3. Drop your head to the right; again, be sure that you are not tensing other parts of your head, neck, or body. Take a moment to feel the stretch, then slowly let your head rise back to center. Do not lift it up, but instead feel it “float” back to center, hovering on top of your neck.

4. Repeat this motion on the left side, ending with your head back to center.

5. Now let your head fall in front of you and slowly roll to right, then back down in front; then left, then back down in front, and the slowly rising back to center.

6. Repeat this sequence several times, taking approximately five minutes.

Shoulder rolls

1. Stand up straight, with your feet shoulders’ width apart.

2. Take a deep breath and exhale slowly, remembering to breathe into your abdomen. Do this a few times.

3. On your next breath, slowly raise your shoulders up to your ears as you inhale slowly, hold for five seconds, then exhale. At the same time, let your shoulders drop and release.
4. Do this several times.

5. Resume the neutral position, with your feet shoulders’ width apart, and roll your shoulders back in a circular motion, returning to neutral. Repeat this movement for about one minute. Now reverse the roll, doing the same motion.

**Arm swings**

1. Stand up straight, with your feet shoulders’ width apart.

2. Roll your shoulders and swing your arms, reversing direction every ten swings. Slowly stop swinging until you return to neutral. Take a deep breath and relax.

**Drop-downs and roll-ups**

1. Stand up straight, with your feet shoulders’ width apart.

2. Slowly drop your head, chin to toward your chest. Continue dropping until your fingertips touch the floor. Bend your knees if you must. Do not stretch further than your body will allow.

3. Feel the stretch in your lower spine and your hamstrings.

4. Take an inventory of your body: Is your head relaxed, hanging freely from your neck? Are you letting the weight of your head pull you towards the floor? Are your arms hanging freely? Let go of all tension you notice in your body.
5. Now slowly roll up, starting from the base of your spine and stacking each vertebrae on top of the other, with the last to rise being your head.

6. Imagine a string attached to the top of your head, pulling you skyward.

7. Take a deep breath and repeat.
Getting Started as a Speaker: The Nuts and Bolts
SUBMITTING TOPICS AND PROPOSALS:

If you have ideas for topics and proposals:

- Look for upcoming CLE conferences far in advance.
- Program Planners can plan a year ahead of the Conference: so submit early!
- Submit ideas to Heidi Ray at hray@cobar.org with a copy of your resume/bio.

If you would like to speak, but are not certain of a specific topic:

- Submit your practice area and your resume/bio to Heidi Ray at hray@cobar.org.

Alternatives to a solo presentation: consider being a co-presenter, or being on a panel

- It’s a great way to take off some of the pressure at first!
- They are a great way to make a presentation more interactive.

Review CLE brochures or attend CLE Presentations to get ideas of hot topics and subjects of interest

Watch TED talks or other speakers you like and admire

PREPARATION AND TIPS FOR YOUR PRESENTATION:

Ahead of the Presentation

- Be prepared to send a hi-resolution photo of yourself (150 x 150 pixels) and short bio for marketing purposes.

Presentation

- Show up with enough time to check in with program attorney
- Prepare and practice for your delivery as well as your content
  - Timing is critical! 50 minutes is required for one CLE credit
- Stick closely to the topic that was described in the CLE brochure
- If you are able, for a full-day program, stay for the entire program. It’s an opportunity to network with faculty and attendees and refer to other topics/presentations for the program.
- Remember, you are speaking and presenting to a Live Webcast audience, as well as for homestudies.

Written Materials for Program (Required)

- The Colorado Supreme Court Board of CLE requires written materials for each CLE presentation in order to receive CLE credit.
- This rule also applies to panel discussions. If you are on a panel, please work to develop one set of comprehensive materials. The materials should be submitted by one presenter in their entirety. Your written materials should consist of a written outline of approximately 10 pages in addition to supporting documents.
- The best course materials are your own work product, a combination of relevant law and practical advice on how to handle real world problems.
- Attendees especially appreciate receiving sample forms, check lists and other applicable documents they can use in their practice.
- We typically do not consider PowerPoint® presentations to be substantive; rather, they are supplemental materials to an outline.
Please consider the following while preparing your materials:

- Submit your outline in text format (Word or WordPerfect).
- Discuss the topics you’ve agreed to present and that were advertised in the promotional brochure/agenda.
- List page numbers so attendees can easily follow along.
- Submit clean versions of articles and/or additional handouts with “Reprint Permission” if the articles have previously been published. You must contact the publisher to obtain permission to reprint. If you have not obtained permission, we cannot reprint the document.
- DO NOT send copies of cases (ex. Westlaw and/or Lexis). Statutory, case law, and article citations are acceptable.

POWERPOINT® PRESENTATION (Optional)

If you choose to use a PowerPoint® presentation, we require that a copy of your PowerPoint® presentation be submitted at the same time as your written outline. Your PowerPoint® will be printed in the course book with your written materials.

Please consider the following while preparing your PowerPoint® presentation:

- Keep the amount of text on each slide to a minimum and use a readable font size
- Try to limit the size of your PowerPoint Presentation to fewer than 10 MB.
- Avoid unnecessary background images, graphics and photos. Not doing this tends to make your file size too large and difficult for webcast attendees to view your presentation.
- Use high contrast colors
- Provide embedded media (video, audio files) separately.
- If you are using images or information that has previously been published, you must obtain permission to reprint those images or that information
- Try not to read directly from your PowerPoint when you speak
- Practice and keep to the allotted time

After the Presentation:

- Plan to stay after you’ve finished speaking to chat with attendees
  - Attendees love to talk one-on-one with faculty
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