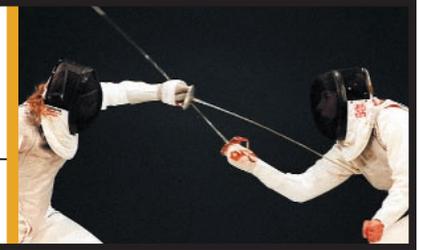


**Litigation** *A Special Report*

## Talk This Way

Lawyers tend to bore audiences by giving too much information.



BY MARSHA REDMON

Lawyers, doctors, and scientists share a bad rap: that they're boring to listen to and almost impossible to understand. Unfortunately, there is some truth to that. And the practice of law requires every lawyer to communicate well not only inside the courtroom, but also outside—with clients, prospective clients, and the world in general. How are *your* communication skills?

Imagine this scenario: You're a litigator representing a credit union and its trade association in a lawsuit. You're standing before the board of directors of the association, updating them on the progress of the litigation. You make a 45-minute presentation, complete with PowerPoint slides, handouts, and copies of two major cases that relate to the credit union's suit. You expected more questions, but the group seems pretty subdued. You think your presentation went pretty well.

In fact, you missed some crucial cues from your audience: the general lack of interest, the crossed arms, the look of resignation that crept over the face of the chairman as your presentation hit the 25-minute mark, then the 40-minute mark.

### THE LAWYER'S DISEASE

Diagnosis? You've got the No. 1 lawyer disease, which I like to call TMI, or *too much information*. This is the most common reason lawyers have a reputation for being boring. The cure for TMI is simple, but it is not easy to swallow in the beginning.

First, you must learn to speak in short sentences instead of whole paragraphs or pages at a time. Many lawyers and other highly educated professionals lack a self-edit mechanism that would help them gauge either their audience's interest in detail or their ability to understand detail. So for now, just make everything shorter. Limit yourself to one headline and a few bullet points with the most important details or illustra-

tions for each point. You get to cover only three points. Then stop talking.

Another approach is to simply cut out 60 percent to 80 percent of your material, depending on how severe your case of TMI is. Only you care about that much detail. No one else does. Think of yourself as a "briefer" who reports on only the crucial facts and major conclusions. Save some time for real world examples or analogies to illustrate what you're saying.

The litigator above made a more fundamental mistake than saying too much: He completely missed the cues the board of directors was giving him that he was delivering too much detail. You must watch your audience very closely, whether you're reviewing an associate or making a pitch to a potential client. The body language of your audience will tell you whether they are confused and need more explanation or if you've said enough and can move on to the next topic. Crossed arms mean *I disagree, convince me*. Looking around the room means *I'm bored*. A quizzical expression means *I don't understand*. Heads that nod yes mean *I agree, I'm with you*.

Communication is not a new skill for most lawyers. Many trial lawyers have been trained to watch potential jurors' body language during voir dire to get clues about which ones would be good jurors for their case. You need to use the same skills in every situation to keep colleagues, clients, and opponents interested in what you're saying.

Bottom line: To be a good communicator, you have to constantly monitor the reaction of your audience. Then you'll be able to adjust your presentation on the fly, in response to their reaction. If your audience is small and seems bored, ask them for questions, so they can redirect you to what they find interesting. If things feel dull and lifeless, get the audience involved by giving them something more to do than sitting and listening. Go around the room and ask people to comment on something or give their own opinions. People always perk up when suddenly called on to speak because they feel an adrenaline rush.

## WHY SHOULD THEY CARE?

The third mistake lawyers often make is assuming their audience will understand the significance of their topic. People are most interested in what affects them and their lives. Professional speakers call this the WIIFM factor, or *What's in it for me?* For example, you will grab my attention if you tell me why I should care about a new environmental law your firm is challenging in its groundbreaking litigation. And the closer it hits home, the better. I may be slightly interested in laws that may lead to cleaner rivers and streams in this country. But I am very interested in cleaning up the part of the Potomac River that runs beside my property.

Understanding your audience includes speaking their language. For a jury, you want to simplify the language you use and leave out legal terms of art whenever possible. Don't use Latin or acronyms that are confusing or take too much effort to remember. Do the same with other nonlawyers.

And when dealing with clients, properly using the terms of their industry shows your expertise in their industry. Remember the first example, about the credit union trade association? One reason the board members lost interest is because the lawyer forgot that credit unions refer to their constituents as *members*, not clients or customers.

## BODY LANGUAGE

How many firm meetings or conferences have you dozed off in—or wanted to? Chances are, the speakers were sitting while they addressed the group, or they were speaking in a monotone, with very little energy. Diagnosis: BBL, or *bad body language*.

University studies have shown that 93 percent of what audiences remember long term is the body language and the voice quality of a speaker—long after they've forgotten most of what she said. So gesturing while you talk, smiling, and making eye contact with the audience all influence what they remember about you. It's not just window dressing.

The bad news is that everybody has at least one major body language or voice flaw that's distracting. The good news is that it's easy to find out what your major flaw is and start fixing it. Ask a trusted colleague or have yourself videotaped making a presentation or speech. Take a one-day presentation or media training course. A good one will include videotaped practice with critiques of your communication style. Objective help is important because most lawyers tend to be so hard on themselves that they get discouraged instead of trying to improve.

## THE GREAT COMMUNICATOR

- The easiest improvements for body language and voice are obvious: Make sure you stand up straight with your head erect, gesture with your hands when you talk, and vary the pitch of your voice.

- Stand up to speak whenever possible. You'll have more energy and enthusiasm.

- Women should tape themselves to determine whether their speaking voice is too high. Women with high-pitched voices should get professional help to lower the pitch of their voices. It is crucial to being taken seriously as a professional woman. As a former TV journalist who struggled for years to bring down the pitch of my voice, trust me when I say this!

- If you suspect you have a monotone delivery, get more range in your voice by reading aloud from Dr. Seuss' *Cat in the Hat* or *Green Eggs and Ham*. Read with different emotions in your voice: sad, mad, afraid, happy. Also, practice reading aloud in a sing-song style to increase the range of pitch your voice will comfortably reach.

- If you use lots of *ummmms* and *uhhhhs*, practice pausing while you think, instead of making sounds to fill the void. Deliberately pause in the middle of sentences and get used to the silence. You can also audiotape yourself while you're in your office talking on the phone, so you can hear how bad your problem is. You may be surprised to find you do it only when you're nervous.

Don't be the boring lawyer who didn't bother to plan and practice her presentation. "Just winging it" is responsible for many long-winded, off-the-point presentations. It takes time and planning to be focused and succinct. If you're not willing to do that, then just say no when you're asked to speak. Giving a bad speech is worse than not giving any speeches. You may hurt yourself, your firm, and contribute to that "boring lawyers" rap.

All audiences, whether they number two or 2,000, appreciate a short, organized presentation that focuses on what they're interested in. You can't lose if you think first about your audience. ■

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