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An Early Exercise in Trial Ad: Advocacy Personality Presentations

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An Early Exercise in Trial Ad: Advocacy Personality Presentations

Another blog post from Wes Porter of Golden Gate University.

What is the "most productive" early exercise in trial advocacy? Through experimentation, I think I may have found it. Let's call it "Advocacy Personality Presentations."

What do I mean by "most productive"? First, like many other early exercises, this exercise has to familiarize the students with one another, promote team building and build a safe classroom environment for experimentation, constructive critique, collaborative learning and individual development. Second, this new exercise has to emphasize the foundational advocacy skills of story-telling and persuasion. Third, it has to introduce the power of story-telling through jury address *and* questions and answers. Lastly, the exercise had to be overtly upbeat and positive –to infuse individualized confidence early in the course.

What are "Advocacy Personality Presentations"?

I read a quote recently that most lawyers – whether trial lawyers or not – spend their careers making professional presentations. Courses like trial advocacy are so important, because all of our students must consider how their personality traits can serve them well, not only as a future trial attorney, but during any professional presentation as a lawyer.

Tearing down the image of the "typical trial advocate." In my view, Advocacy Personality Presentations touch upon all of the objectives above in a simple, streamlined manner. I introduce the exercise by attacking the image of a typical trial attorney –a silver-tongued, experienced advocate in a fancy suit with a library's worth of law at his or her immediate recall. I explain that there is no "typical trial attorney." Each student should begin to see *himself or herself* as a capable and effective trial attorney.

Finding our own advocacy personality. After chipping away at this notion of a "typical trial attorney," I suggest that the students must start on the path to finding their own "advocacy personalities". I note that my personality as the professor will not work for most students in terms of their advocacy or courtroom personality, because I know that if I do not say this, it may be the one they try all too hard to emulate. We must communicate how many trial attorneys succeed with wide and varied "personalities" that prove effective in court. This exercise begins to explore the students' vision of how they will be successful in court.

Part I of the Exercise – the Interview. Pair students up who do not know one another well – either during class or in preparation for presentations for the following class. One student, *the presenter*, must interview another student, *the subject*, in search of personality characteristics and traits that could bring their classmate success in the courtroom. The presenter must aim to uncover facts, examples and stories that illustrate the subject's personality trait, as opposed to merely saying it to the jury (i.e. the presenter should not plainly recite how "Jonny relates well to people he meets"; instead she should introduce the audience to Jonny so they understand and appreciate how Jonny relates well to new people). Stress to the students that it is the presenter who conducts the interview, decides the personality trait(s) to feature, and then organizes the presentation.

I recently began asking the entire class to write down on an index card in the first class their own personality traits that they believe will bring them success as a trial attorney. It is often interesting to compare and contrast one's self image with the presentation's portrait.

Part II of the Exercise – the Presentation. Once armed with the material gathered during the interview, the presenter must consider the best way to persuade the audience that their view of their subject's personality trait will prove effective in the courtroom at trial. I typically set aside 5 minutes per presentation.

There are only TWO rules for the presentations. The presenter must:

1. Use some combination of question and answer with the subject *and* jury address (*that is, the presenter may speak directly to the jury first and then introduce the subject through witness examination; or, the presenter may introduce the subject through witness examination and then argue to the jury in summation*).
2. Be interesting – one of my mentors once told me: "You have no constitutional right to be boring."

True to my goals for being the "best" early exercise in trial advocacy, this exercise allows students to familiarize themselves with one another, promotes team-building, builds a safe environment for experimentation and plants the seeds for skills in story-telling and persuasion. It allows the instructor to discuss and critique presentations in terms of presentation-style distractions, persuasion, open-ended versus leading questions, positioning in the courtroom, connection between witness examinations and jury addresses, and much more. The exercise is positive because the focus remains on the liberating and inspiring message that "we can all be good at this – in our own way."

Sit back and enjoy students attempting to persuade the jury (the entire class) about the advocacy personality of their subjects and classmates. The students inevitably will present a wide array of characteristics that will bring their classmates success in the courtroom.

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