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 is meant by "most productive"? First, like many other early exercises, this one has to familiarize the students with one another, promote team-building and build a soft and cozy classroom environment for experimentation, constructive critique, collaborative learning and individual development. Second, this new exercise has to explicate the foundational advocacy skills of story telling and persuasion. Third, it has to introduce the power of story telling through juror address and questions and answers. Lastly, this exercise has to be openly upfront and positive - to infuse individuals and confidence early on in the course.

What are "Advocacy Personality Presentations"?

I read a quote recently that most lawyers - I recently had to introduce the idea of a "typical trial attorney." I suggest that the students start out on the path to finding their own "advocacy personalities." Note that personality at 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 that, it may be too late for them to truly be individuals. What we must communicate is how many trial attorneys succeed with wide and varied "personalities" that prove effective in court. This exercise began to explore the students' vision of how they will be successful in court.

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

Finding our own advocacy personality. After dipping away at this notion of a "typical trial attorney," I suggest that the students start out on the path to finding their own "advocacy personalities." Note that personality at 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 that, it may be too late for them to truly be individuals. What we must communicate is how many trial attorneys succeed with wide and varied "personalities" that prove effective in court. This exercise began to explore the students' vision of how they will be successful in court.

Part I of the Exercise - the Interview. For students who do not know one another well - either during class or in preparation for presentations for the following classes - one student, the presenter, must interview another student, the subject, in search of personality traits and characteristics that could bring their classmates success in court. The presenter must be familiar with facts, examples and stories that illustrate the subject's personality traits, as opposed to merely naming the juror (i.e., the presenter should probablyhref text=""">"Joey Roberts relates well to people here"", instead I should introduce the subject to the audience as "Joey Roberts is a locker who understands and appreciates how Joey Roberts relates to new people"). Stress to the students that 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 on a white card in the first class their own personality traits that they believed would 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 present the audience that their view of their subject's personality trait will prove effective in the courtroom at trial. 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 (i.e., the juror may speak directly to the juror or first, and then introduce the subject through witness examination; or, the presenter may introduce the subject through witness examination and then turn to the juror in summation).
2. Interspersed - one of my number ones once told me "You have no constitutional right to be boring."

To my goals for being "the best" early exercise in trial advocacy, this exercise allowed students to familiarize themselves with one another, promote team-building, build a soft and cozy classroom 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-minded 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 evening 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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