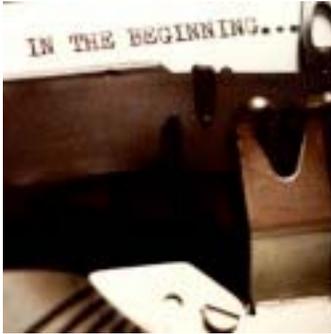




Storytelling for Attorneys: How to Build a Great Narrative for Your Case



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Attorneys sometimes act in trial or mediation as if they're little more than an evidence machine collecting all the right evidence, excluding all the improper evidence, applying the law and expecting a positive outcome. That might be good enough to win some cases, but any really good attorney is a masterful storyteller who can shape that evidence and the law into a compelling narrative.

This post shares seven elements of powerful storytelling and shows how they can be applied to help any attorney presenting a case.

I'll never forget the time when. . .

Don't you want to hear what comes next?

We all connect to stories, especially ones that involve good vs. evil and that remind us of our shared histories. We especially want the good—often the underdog—to beat the bad. The meta battle that often rages in civil court is the money-seeking unworthy plaintiff motif against the uncaring defendants who will not admit the wrong they have caused, which reminds me of a story ...

When I was in trial about ten years ago, the defense attorney told a story in closing about when he was a little boy and got a baseball mitt for Christmas. His brother and he wanted to go to a movie, so they told their mom they wanted to sell the mitt to make money to see the movie. They knew that their mom would pay for the movie instead, and she did. The defense attorney then made the connection to the case by saying the plaintiff was trying to pull one over on the jury in the same way by asking for something (i.e. an amount of money) that the plaintiff knew he was not going to get.

My partner got up for rebuttal and stated, "You heard the story about the defense attorney and his mother. Is anyone surprised that the defense attorney would scam his own mother?!" The whole jury laughed.

This story humanized both the case and the attorneys. It brought to light the different perspectives that both attorneys had on the case, and allowed both to highlight the underlying emotional aspects of it.



I recently came across a useful post about storytelling on the blog for The Dragonfly Effect, a book about using social media to propel social change. Does this description from their introduction sound like someone you know?

“Most of us are used to the business-as-usual approach to communicating ideas, looking at the umpteenth PowerPoint bullet list or Word document. We may even build presentations that we ourselves wouldn’t want to sit through. Why do we do that? How is it that we are such expert story consumers that we can confidently walk out of a movie after only a few minutes, but we often fail to recognize both the importance of a good story and the weakness of our own approaches to communication when it’s our turn on the stage?”

If you want to break out of this lawyer-as-usual approach, here are some “truths” to good storytelling and ways you might apply these truths to make your case:

Stories are about people.

This is Rule No. 1 for a reason. Attorneys often get lost in law and details and lose site of the people that make any case have meaning. If you have an individual plaintiff or defendant, the case is about them and how the facts have injured them either physically, mentally or monetarily. Any time an attorney can get beyond the mere facts of the case, and get to the story behind that case, they are doing a great service to their client.

Let your characters speak for themselves.

In The Dragonfly Effect, they say, “Use direct quotes and let characters speak in idiosyncratic voices, lending credibility to the dialogue.” As attorneys, we might interpret this to mean there is nothing more powerful than using your opponents’ words against them. It’s one thing to hear an attorney say the other side is responsible, but it’s much more powerful for the other side to admit it themselves in their own words. This can be achieved through videotaped depositions and artfully presenting clips to prove your case against the other side.

Audiences bore easily.

While a true storyteller can create drama and interest by developing a narrative arc and revealing facts along the way, this is much harder for an attorney who really has to lay out the facts in a more direct way. However, the use of visuals such as animations, graphics, video, storyboards and time lines can go a long way toward creating interest where boredom can reign. Everyone loves to see a case presented like a documentary because it is easy to understand and powerful. We believe what we see.

Stories stir up emotions.



“Human beings are not inclined to think about things they don’t care about.” Does a jury really care about two corporations suing each other over arcane intellectual property or contract disputes? Well, maybe. It really depends on if the attorney is able to conjure up the human emotions behind the dispute. People do not like one group taking advantage of another in an unfair way. This can be the plaintiff trying to be unjustly enriched by a lawsuit, or a defendant who got away with the plaintiff’s money or product. The story is the wrong that was done, not the narrow violation of law.

Stories don’t tell, they show.

This truth of storytelling is, not surprisingly, near and dear to my heart. Any good story doesn’t just tell a mediator or judge that the other side is wrong; it shows, with vivid detail and images, the facts and circumstances involved, which evokes the desire to right a wrong. Keep this principle in mind when preparing PowerPoints, for example, and use slides that have mostly images and few words. Let the attorneys provide the words, and let the visuals show the jury or mediator what happened, why it was wrong and why your side should prevail.

Stories have at least one “moment of truth.”

“The best stories show us something about how we should treat ourselves, others or the world around us.” No question about this. The best closing argument, the best presentation at a mediation, or the best discussion with opposing counsel summarizes a whole case in a simple description that encapsulates the right or wrong and highlights a larger truth.

Stories have a clear meaning.

What is the case about? Can you answer that question in one concise sentence that connects on an emotional level and not only on a factual level? A case with a clear meaning is much more powerful than a case presented as a string of facts. A case is about a wrong or a right and about the people involved.

Every case has meaning that goes beyond the facts that create or defeat liability. Ask yourself, Why does this matter? What’s at stake, and who is involved? Does the case have a beginning, middle and end through which the meaning can emerge? Somewhere in there is a story waiting to be found and told.

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