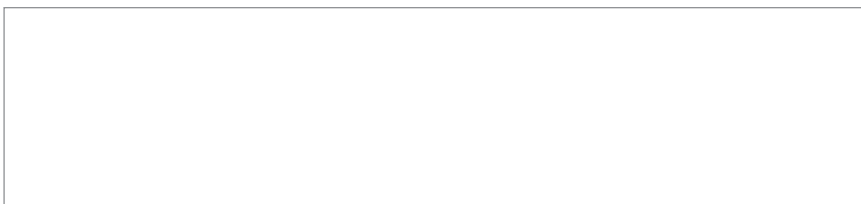


# TRIAL TALK

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# Forget What You Learned in Law School

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There may have been a time when the public respected and trusted attorneys, but that time is not now. The public (and therefore your jurors) see attorneys as lying, cheating, money-grubbing, uncaring, manipulative and hypocritical. As if those adjectives were not harmful enough, the strength of the venom is stronger against plaintiff's attorneys. When you show up to court, most jurors already dislike you simply because of your profession and the fact that you sit at the plaintiff's table. To win your case, you need to win over the jurors. The first step in doing so is to forget everything you learned in law school and try to remember what it felt like before you were a lawyer. The humane part of you is what you must convey to the jury. Below are tips on how to do that.

1. Be Yourself. This is a caveat to anything listed below. If one of the suggestions feels very unnatural and fake to you, by all means, do not do it. Jurors will recognize that you are trying to be someone you are not. This will only feed into their views of you as a lying, manipulative attorney.

2. Dress. Do not come to court in fancy, expensive suits. A sport coat and tie is best. If possible, avoid black; it is too formal and distances you from the jurors as someone who is above them. Browns, blues and grays are fine. Leave your expensive jewelry and watches at home. If you are female, do not come in with newly manicured nails or spend too much time on your hair and makeup. Look presentable without suggesting that you have money to spend to make yourself look presentable. Along the same lines, do not drive an expensive car to court or even to your office. Assume that eyes are on you at all times and jurors will do their research. Do not be surprised if they drive by your office to see how nice it is and spot your car in the meantime.

3. Legalese. I know some cases are complicated and have big words, but for your own good, avoid the medical and technical terms. If jurors cannot understand something, the natural human response is to be afraid and skeptical of it. If you are unsure of what to call something, explain it to a fourth grader and ask what they would call it. As for legal terms set forth in instructions, there is no need to use

the terms until closing when you explain the instructions in plain English. At that point, you can tell jurors that when they see the word "preponderance" (or whatever other legal jargon), all it means is "more likely than not." Before that point in the trial, there is no reason to confuse jurors or have them trying to remember what a term means as they miss the rest of what you are saying.

4. Premature Advocacy. Because jurors are so biased against you, there is no leeway for you to act like an attorney during voir dire or most of opening. Do not use voir dire as a chance to try to sneak in the theme of your case. Jurors figured out this lawyerly tactic long ago and now will either make fun of you for it or despise you for your trickery – probably both. Use voir dire to find out about jurors' backgrounds and attitudes honestly. Do not try to persuade them differently and if they say something that is harmful to your side, thank them for their honesty. During trial, there are very few times when jurors will allow you to become aggressive and angry at witnesses. If you become angry, it takes away the emotion from the jurors so that they do not have to feel it and you risk making yourself look like an attorney. Be gracious to witnesses – all of them. The only caveat to this is when something egregious has happened and jurors expect you to be angry.

In today's world, being a good attorney often means coming across as if you are not one. Be humble, show your trust in and respect for the jurors, and refrain from flaunting your wealth or vocabulary. Be someone jurors want to know and trust and they will be much more likely to follow your guidance and return a larger verdict for your client.▲▲▲

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