



PROGRAM MATERIALS

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Litigation Series: Session 10 - You Know the Lines – Now Steal the Show

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You Know the Lines — Now Steal the Show

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Introduction

- Have you ever stopped to think about what you were doing the last time you engaged so fully with the jury that they were hanging on every word that you said? Specifically, what are you doing when you work at peak performance? Of course, it will be different for everyone since we are all unique. But without an outside eye, it can be difficult to objectively reduce that experience to words.

Introduction

- Through self-awareness, I've attempted to help you do just that so that it can be repeated over and over again just like sheet music played by an Orchestra. This level of self-awareness may be intricate and precise, but it is all-empowering in terms of what it offers - a trusted blueprint that you can consistently rely upon to deliver your best work as opposed to hoping and guessing or leaving it all up to chance. I like to refer to it as your "super power."
- Generally speaking, these are the things that come more natural to you than they do to others.

Introduction

- In furtherance of this, I will focus on those things that are *within* your control – such as your voice, your body, your thoughts, and how you move in space – and teach you how to deal with those things that aren't.
- You'll learn exercises specifically designed to delicately awake these aspects of yourself. And through repetition and practice, they will become ingrained in you like “muscle memory” catapulting you to a magical moment: when all the technical skills suddenly integrate and performance turns into lived experience. After all, repetition is the master of all skills.

Introduction

- This is what Broadway actors rely upon to give one spellbinding performance after another. And this is what I want to teach you.

Speaking Memorized Text

- Let's begin with your memorized text. By "text," I am referring to your opening statement and/or your closing argument. Virtually every performance coach would agree that memorized text should be spoken in a way that makes the listener feel that the thoughts are coming to the speaker in the moment and that he is speaking them for the first time. After all, this is how we speak in real life. Thus, we aim for spontaneity as opposed to a pre-planned delivery that wrings the meaning out of the words and that makes them sound as if they are being recited verbatim from a grocery list.

Speaking Memorized Text

- There are a myriad of hidden traps when it comes to reciting memorized text that each one deserves special attention. The earliest acting instructors observed a phenomenon that would happen whenever their students were instructed to memorize a monologue.
- Despite being warned not to memorize it in “one set way,” almost invariably every student would. The danger this presented is that the actor got locked into speaking their monologue in a “set way” such that it became virtually impossible to break the pattern and to deliver it any differently, even when the instructor attempted to steer the student away from that habit by “side-coaching” him.

Speaking Memorized Text

- Through research, we now know that it is very difficult for the brain to break a pattern that emerges during the memorization stage and develop new neuro-pathways. Subconsciously, we hold onto the exact rhythm, pace, tone, voice inflection, etc. that we relied upon when memorizing it.

Speaking Memorized Text

- For actors and public speakers alike, this is dangerous. Why? First, unlike written words, the spoken word is fresh, dynamic, and alive. It's like a heart-rate monitor which ebbs and flows and has hills and valleys. There are hard stops; long pauses; quick transitions; rapid, unbroken chains of thoughts that come out as stream of consciousness; laughter; excitement; sadness; giddiness; longing; hesitation; uncertainty; gloating; silence; shamefulness; regret; flirtation etc. The list goes on. As actors, we want to mirror real life and the closer that we get to that paradigm, the more apt an audience will be to suspend their disbelief and to be drawn into the story.

Speaking Memorized Text

- The same is true for lawyers. Through storytelling, lawyers need to draw the jury into a reconstructed reality of past events so that they can see, hear, and feel what it was like for the client to suffer a paralyzing injury or for the defendant to be ambushed from behind by the victim in a self-defense case and to be an inch away from losing his life.

Speaking Memorized Text

- Second, there are a myriad of ways to say the same thing. For example, the phrase, "I love you" can be uttered in the most passionate of ways (think the balcony scene from "Romeo & Juliet"), in a desperate way (the response of one partner to the other upon learning that the other wants to break-up), or in a motivational way (i.e., the phrase, "Cause Mickey loves you" from Rocky V when Mickey was urging Rocky to keep fighting even when hurt).



Speaking Memorized Text

- Taking another example, the phrase, “Go away” can be uttered in a flirtatious way during a tender moment between two partners or begrudgingly (think teenage boy yelling, “Go away!” to his mom when she knocks on his bedroom door). In other words, getting locked into speaking text one way makes you a “johnny one-note” and removes the possibility of discovering other ways that might be even richer than the original way.

Speaking Memorized Text

- Why is this important for trial lawyers? Reading off of the page is not an option for trial lawyers. Instead, trial lawyers must memorize their opening statements and closing arguments in the same way that actors memorize their lines so that the jury becomes the entire focus of their attention.
- The danger posed by a notepad or worse yet, an electronic device is that they create a “barrier” or “wedge” between you and the jury during the most critical stage of trial - when you get to address the jury directly. They are distracting not only to the jury but also to the attorney inasmuch as they continuously beckon for the attorney’s eyes. The attorney who so obliges will begin to look down instead of into the eyes of the jury, thus breaking eye contact and losing the human connection that is so vital for building rapport with the jury.

Speaking Memorized Text

- In the overall scheme of things, you risk squandering one of the few opportunities that you have during a trial to “break the fourth wall” and to address the jury directly. As many an actor knows, breaking the fourth wall engages the audience in a way unlike any other. It allows the actor to speak “heart to heart” with the audience and to reveal their innermost thoughts, feelings, and desires in the same way that you might confide a deep secret in a trusted friend.
- Shakespeare used this device so brilliantly that even his darkest and most vile villains were able to score points with the audience, no matter how much blood they shed or havoc they wreaked.

Speaking Memorized Text

- Of course, the big difference between acting and litigating is that the actor must memorize the words of someone other than himself (i.e., the playwright), while the lawyer must memorize his own words since he, himself, is the one who wrote them.
- In order to undue this psychological bias towards reciting text the way it was originally memorized, we need to trick the mind.
- How do we do this? By reimagining the way in which we memorize text in the first place so that we don't get locked into one set way of doing it.

Speaking Memorized Text

- One way is through movement. For example, memorizing your text while bouncing a tennis ball, doing the dishes, or standing on one leg (which I commonly do, but do not recommend others to do for obvious reasons), will allow the text to spring out of you in a multitude of different ways.

Speaking Memorized Text

- But that's not the only way. There are many others. What follows are the ones that I have found to be most helpful over the years and that I continue to rely upon to this day when I am in the "rehearsal stage" of a new play or when I am preparing for a trial.
- These concrete tools are designed specifically to enhance the delivery of your opening statement and closing argument so that they "pop." I've also included a number of exercises.

My Approach

- I used to think that once I had memorized my opening statement and closing argument, I was all done working on them and could turn my attention to other aspects of trial preparation. Nothing could be farther from the truth.
- Memorization of text is but the first of many steps required to bring your speech to life in a way that inspires the jury and leaves them thinking that the only just result is by finding in your favor. You can have the best-written speech, but if you deliver it in a bland, stale, or monotone way, it will fall flat.

My Approach

- As my instructor once said, “Mike, don’t wring the meaning out of the words!” We all know this from having gone to the theater to see a popular classical play of the likes of Dickens, Shaw, Williams, or Beckett and leaving feeling completely empty and upset by the play falling short of our expectations. I’ve seen my share of inferior productions of “Hamlet,” “Othello,” and “Macbeth” to know the feeling.
- In my approach, after the opening or closing has been written, I turn to memorizing it and then working on its delivery. The latter takes a lot of work and is not for the faint of heart. But if you want to make an unforgettable impression on the jury, there are no shortcuts.

My Approach



A great stage actor can silence an audience.
But they must make use of their voice.
There is no avoiding it.



Lawyers have that same ability in a
courtroom.

Sustaining Long Thoughts

- On the most basic level, we must be able to understand and hold a thought. Closing argument is not like a Starbucks conversation. Legal reasoning, like Shakespeare's verse, is heightened for a reason. There is magic in it. It's precise and vast. Shakespeare's words, just like an attorney's closing argument, are received by the brain like music. It's like an invocation or sending someone to the moon.
- It is crucial to know where thoughts begin and end so that your argument has organization, emboldens the jury, flows seamlessly, and keeps them on the edge of their seats. Similarly, you need to know where to pause or snatch a breath without breaking up the thought.
- All of this is necessary to do what my Shakespeare instructors have dubbed, "Drive the thought."
- And then, of course, there is the rhythm of speech, which gets very little attention in trial lawyers' programs but which is of utmost importance.

The Rhythm of Speech



Rhetoric

- We must understand rhetoric and how to manipulate people with speech. As lawyers, this is our secret weapon. It's all in how we *present* the argument. Great leaders know how to do this exceptionally well. They know how to connect with an audience and get them to fight for them.
- Let's start out in the simplest place. What is rhetoric? It's heightened text or anything that contains elements beyond the every day. It is inherently *adversarial*. For example, consider Marc Antony's famous, "Friends, Romans, countrymen ..." speech.

Rhetoric

- Let's set the scene. A crowd has gathered for Julius Caesar's funeral. Brutus, one of Caesar's assassins, has allowed Antony to speak provided that he would not blame him and the others for Caesar's death. A hushed silence descends upon the crowd. They know that Caesar was killed, but they want to know how Antony is dealing with it, in the same way that a close friend would want to know how you are coping with the death of a parent. What follows is a "revenge speech." And the stakes could not be higher. Indeed, if the crowd turns on him, Antony might not live to see the light of another day.

Rhetoric

- But Antony is clever. He cuts out the “fake news” and goes straight to the facts. He knows how to inflame the crowd and to arrest their attention. His intention is to destroy Caesar’s killers. And he’s an invincible force.

Rhetoric

- How is Antony able to do this? By answering the question, “Who is Caesar to me?” It’s incredible what Caesar had done for Antony. Caesar rescued Antony like a father rescuing his son when he is wandering around aimlessly and trying to find himself. It’s painful to feel this lost. Thankfully, there are people who come into your life and literally save you. And Caesar was just that to Antony. Can you imagine what it must have been like for Antony to have seen his role-model and the person who he loved beyond anything else in the world be slaughtered right in front of his eyes and the culprits doing it? It’s as if he witnessed his own father being stabbed to death right in front of his eyes. The agony and the torture was beyond comprehension. The very roof was falling in on him.

Rhetoric

- Every fiber of Antony's being wanted to break the assassins' necks. Despite this natural instinct for physical retaliation, Antony wouldn't have been able to win because there were several of them and only one of him.
- So what did he do? Despite the inner rage, Antony created a stability that allowed him to create a plan. And that plan was to have them slaughtered. To do this, Antony unleashed his secret weapon. Not only was he a fierce warrior, but Antony could speak rhetoric under immense pressure. And that is exactly what he did.
- We call this process, "bringing yourself to the text" and personalizing it.

Rhetoric

- He referred to the crowd as “friends” and then as “Romans.” He knew that it meant something to be a Roman. He then said, “Lend me your ears” to soften them. Essentially, he was saying, “Would you mind letting me talk?”
- Antony needed to take the wind out of the propaganda that Brutus had spun. He had to make the people in the crowd who had their weapons drawn and pointing at him, stand down. Slowly, he began to pry open the ground and make the crowd doubt the line they had been given. And that was all in how Antony presented his argument.

Rhetoric

- Antony drives each thought to the end. Each new idea separated the crowd from the fake propaganda. It was like a snowball picking up speed and volume as it rolls down a steep mountain trail getting bigger and bigger by the second. At one point, Antony tells the crowd that they have food on the table because Caesar made the economy good.

Rhetoric

- Like a Tsunami, Antony turned the crowd against Brutus et al to crush them. He knew exactly what he was doing on each line. With laser-like precision, he asked, "How do I want to make them feel?" He wanted to devastate them in order to arouse, ignite, or inflame them to action.
- If you've ever been a criminal defense attorney, chances are you've tried cases where the prosecutor's objective was identical to that of Antony's.



Rhetoric

- On the inside, Antony's enraged and screaming. But on the outside, he's logical. Few people would be able to stir up the passions of a crowd in this way. Marc Antony is exceptionally intelligent in how he goes about it. Because he can do that, you can get clues about who he is.
- It always comes down to intention with the key questions being, "What am I doing on each line? How do I want to make the audience/jury feel?"

Rhetoric

- Great orators like Winston Churchill, Martin Luther King, and Barack Obama are masters of rhetoric but only come around once every century. I don't think that's an accident. Unless you are a philosophy or humanities major, you can go through your entire formal education without ever taking a class in rhetoric.
- For most, this has little effect. But for lawyers, rhetoric is absolutely essential. Yet, incredibly, few if any law schools offer a class in it. For me, it was not until I attended the National Criminal Defense College in Macon, GA several years after I graduated from law school that I was first introduced to rhetoric.

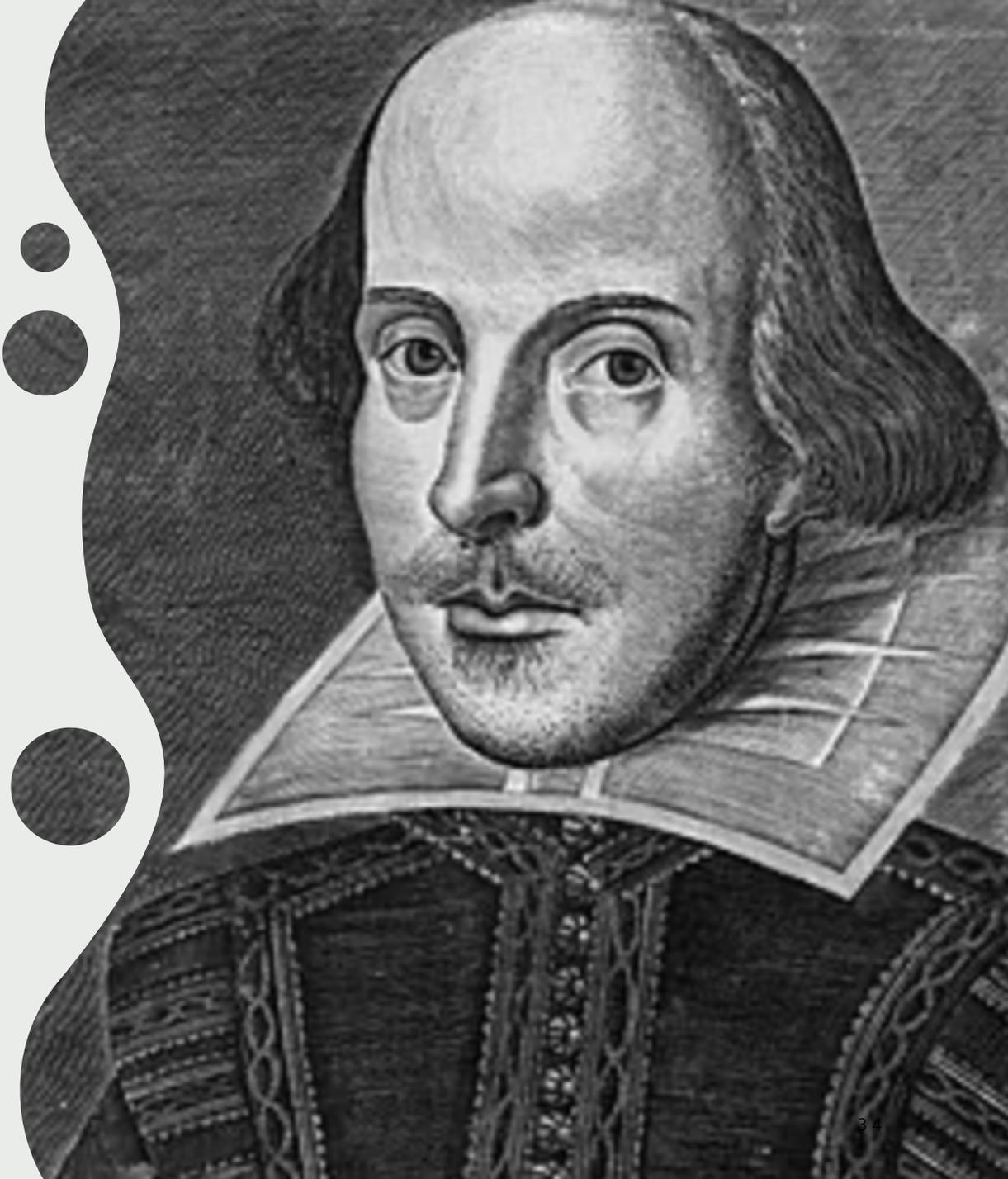


Rhetoric

- We must do better for the new generation of lawyers coming out of law school so that they have these vital tools at their disposal and they don't have to learn it through "trial and error" or on the "fly."
- With clients facing the loss of their liberty or clients seriously maimed and injured and no longer able to provide for themselves, there is little margin for error. The stakes could not be higher.

Rhetoric

- For more on rhetoric, please see Volume 2 of "Shakespeare for Lawyers: Rhetorical Power in the Courtroom."



The Vitality of the Breath

- Before embarking on this quest, we need to return to the breath. It is vital to the performing artist. It was the first thing that we did as a baby when we were born.
- Over time, however, we have learned to “hold” our breath, especially when we are anxious or frightened, which is not uncommon when it comes to public speaking.
- For reasons you will soon see, everything comes back to the breath.

Breath in Action

- I am fascinated by the different qualities that seem to live in our four-part breath phrase. No air ... inhale ... full of air ... exhale ... repeat.
- Before we speak, we take in an incoming breath and as we exhale, our spoken words are released. This happens naturally and organically, so much so that our bodies know just the right amount of breath to take in in order to carry the thought through to completion without running out of breath.
- In this way, our bodies are like fine-tuned instruments that we play throughout the day.

Breath in Action

- I use the hand-stretch as a metaphor for the four-part breath phrase that we all experience throughout our lives. With one hand, create a stretch starting from a relaxed fist. Feel the hand stretch to its maximum. Hold it, release, and hold the closed fist. Then resume the stretch again.

Breath in Action

- Here's how the hand stretch relates to the four-part breath phrase:
- Starting with no air, waiting for inspiration (relaxed fist)
- Inhale (stretch hand)
- Hold full of air (hold open stretched hand)
- Exhale (released back to relaxed fist).

Breath in Action

- So many breath traditions point to the importance of the very active *exhale*. The exhale, of course, powers the voice into text.
- For me, the exhale is a release. But a release of what? One of the most important parts of the breath phrase, for me, is the hold full of air, when the speaker is full of energy but not releasing it, either consciously or subconsciously.

Breath in Action

- I experience this whenever I extend the release by holding it back, full of air, full of an image, full of a desire to give it but then I hold it over time. The effect is one of creating tension and waking up an audience. It may also cause my scene partner to look at me and wonder what I am thinking. In this way, the breath phrase looks something like, "Pause ... Ingest ... Hold ... Release."

Breath in Action

- Things may go awry, however, if we are carrying excess tension or if we are nervous and/or anxious.
- For example, after taking in an incoming breath, we might hold our breath “at the top” instead of exhaling – all while still trying to speak – causing the voice to be strained.
- Or, despite having taken in a generous breath, we might begin exhaling before any words tumble out of our mouths leaving us half “empty” and with insufficient breath support to sustain the full thought. This often results in a “breathy” or “airy” tone.

Breath in Action

- I believe that our job as lawyers is to make the jury *feel* the energy shifts of the story. And breath phrasing is one way to do this.
- Does your character think in the hold at the bottom of the breath, when there is no air and the audience is waiting for inspiration?
- Do they take in the inhale fast because the stimulus for the thought is shocking, or is it a slow building inhale as the realization literally builds up inside them like a pressure cooker?

Inspire and Express

- Humans experience and then express. The way that looks in practice is that we breathe in or inhale as we take in new information and we breathe out or exhale as we share it.
- The following clip is a scene from “Julie and Julia” starring Meryl Streep. I find her breath work to be inspirational - free, perfectly crafted, committed, and performed with joy.
- Pay close attention to her inhale before she grabs the first vowel of a word.

Inspire and Express

- And you can hear her breathing. She literally uses breath as a vocal tactic creating an extraordinary range in the pitch and timbre of her voice.



Breath in Action

- What is your typical four-part breath phrase? A friend of mine is very shy and he spends a lot of time in hold. I will ask him a question and I hear him do a very active inhale, then a long hold as he seems to edit before he lets the energy go into speech.
- Others have almost no hold. When stimulated, these individuals will take a short breath inhale with no hold and react almost instantaneously with the exhale needed to express themselves.

Breath in Action

- Play with this idea of the four-part breath phrase allowing each part of it to give you new ways to craft your opening and your closing.



Speaking With Complete Support

- When I refer to speaking, I am emphasizing the importance of delivering speech with complete support, maintaining an open and forward position in the mouth, and avoiding mumbling. The habit of mumbling diminishes the impact of the message conveyed.

Overthinking May Wring the Meaning out of Your Words

- Many individuals, including myself, tend to overthink before they articulate their thoughts. This excessive self-consciousness can hinder your ability to connect with the written content. However, words possess both emotional and physical attributes that lawyers can utilize and reveal when addressing a jury.
- Unfortunately, in contemporary discourse, we often wring the meaning out of our words by delivering them in a monotone manner, akin to reciting a grocery list.

Overpowering versus Surrendering

- I aim to convey the emotional, physical, and sensual elements within a text, in conjunction with its underlying ideas.
- Rather than exerting control over words and intellectually overpowering them—an approach that some lawyers employ with considerable yet often detached ease—I envision a lawyer being painted by the words as though he or she were a canvas, slowly evolving in response to external influences.

Perfectly Imperfect

- We're not looking for the speech to be grammatically correct and word perfect. Indeed, as Gerry Spence so eloquently stated, when a person speaks from the heart, words come out mispronounced, sentences run-on, thoughts get interrupted, the "perfect" word gets supplanted by multiple inferior words.
- While this might make your Fourth-grade English teacher role over in her grave, the fact remains that this version bears more hallmarks of truth and authenticity than a grammatically correct and perfectly recited speech.

Perfectly Imperfect

- After all, we are human beings, not robots. We are inherently flawed. This is why it is easier for an audience to relate to a character who falls woefully short of an ideal than it is for an audience to relate to a person who is “squeaky clean,” has all of the answers, and claims to be the poster-child of success.

Relationship between Breath & Voice

- At its most fundamental, the relationship between breath and voice can be summarized as: "I inhale, I exhale while speaking." On a more intricate level, breath is associated with the depth and quality of our thoughts and emotions. Engaging in these experiences is intended to reveal that innate, effortless breath.
- Each individual possesses a unique breathing pattern that varies with different situations. As you evolve, so does your breath. Our physical and emotional changes are mirrored in the alterations of our breathing.

Relationship between Breath & Voice

- A well-written story will inherently incorporate these alterations and variations in rhythm. Various writing styles possess distinct lengths of ideas, which in turn require different breathing patterns. In contemporary communication, many people tend to express themselves in brief thoughts characterized by a fragmented rhythm, utilizing quicker and shorter breaths. Look no further than teenagers.
- Much of this work focuses on disrupting and elongating the brief breathing patterns typical of modern-day speech, so as to unlock the underlying thoughts and emotions within that speech.

Relationship between Breath & Voice

- Breath is your fuel and different breath patterns can be used to vary the experience of thoughts and emotions in a text.

A Sample Exercise

- Select a single line that represents a complete thought to analyze. Engaging in this exercise with both a lengthy and a brief thought can be quite enlightening.
- This activity can be especially beneficial for exploring a thought that causes you distress or one that you find difficult to comprehend.
- Build up the thought breath by breath and word by word: breath - 'To'; breath 'To be'; breath, 'To be or'; breath, 'To be or not' etc.

A Sample Exercise

- Develop your complete idea progressively. Refrain from speaking until you feel fully prepared. Once you have thoroughly processed the thought, articulate it clearly and observe your experience.
- Now move on to a longer thought and repeat the same pattern: breath, 'Whether'; breath, 'Whether 'ds'; breath -* 'Whether 'tis nobler', etc.

A Sample Exercise

- The technical advantages of this practice encompass (a) the enhancement of breath control and (b) the training of brief breath recoveries essential for articulating short phrases within extended ideas. Speak only when you genuinely feel prepared and can fully support each word, then let it flow.
- Additionally, this exercise can yield significant *creative* benefits. By constructing your words on a foundation of deep, supported breathing, you are compelled to engage with each word both intellectually and emotionally. Indeed, you must remain present with every word, as there is no opportunity to evade or gloss over any of them.

A Sample Exercise

- I am a staunch advocate of exercises that compel you to engage with each word and line of the text. In a heightened work, such as those by Shakespeare, every word and phrase propels you onward. The language is employed dynamically to delve into events and emotional states.
- During this exercise, you will experience that progression. Each word serves as a stepping stone across a river, allowing you to remain present while advancing word by word.



Owning Your Words

- By inhaling deeply and articulating each word, you start to internalize and understand the words in a more natural and profound way. The concept of truly owning and comprehending words captivates me, as it encapsulates the actor's primary duty to the script. Our understanding of words can occur on various levels: intellectually, emotionally, and physically.
- When dealing with elevated language, including that of legalese, a person should strive to grasp words as comprehensively and profoundly as possible. For an actor, this journey may take the entire play to fully take root, yet a dedicated actor continually seeks to engage with language on this deep level.

Owning Your Words

- Observing accomplished actors during rehearsals reveals their deep understanding of the material. As the rehearsal advances, it becomes apparent that they internalize the words, allowing them to draw from a more profound and resonant source to convey meaning.
- Ultimately, effective communication with an audience or jury necessitates the full engagement of our bodies, hearts, and minds.

Owning Your Words

- When watching exceptional actors work, what consistently stands out to me is their ability to fully embody every word they utter. They have transformed the words of others into their *own* personal expression.
- With each moment, the words articulated by the actor seem to be uniquely uncovered and newly created, as if they are being spoken for the very first time. The finest actors possess an insatiable curiosity about language.

Owning Your Words

- There are various degrees of understanding a word. Indeed, throughout our lives, we continually rediscover words and perceive them differently as we evolve and our relationship with language shifts. For instance, we may use the term “love” for many years and have a certain understanding of it, but upon experiencing profound love, our comprehension of that word deepens significantly, leading us to express it with greater authenticity.

Owning Your Words

- Each word must be understood and felt before it can be truly claimed.
- The words that are often the most challenging to comprehend, and can be too painful or revealing to embrace, are typically significant yet straightforward terms.
- These words convey emotions or relate to personal experiences, compelling the individual to confront themselves in a stark and unfiltered manner.

Owning Your Words

- Rejecting certain words inevitably leads to a lack of ownership: for instance, a female ballerina may shy away from identifying with the term "savage," while a robust male hockey player may refrain from admitting, "I am afraid of you."

Shifting Speeds

- This next exercise may be beneficial for altering recovery speeds.
- It relates to status. Individuals of high status typically take the necessary time to breathe and engage in activities of their choosing.
- They do not feel compelled to rush their speech. In high-pressure or emotionally charged situations, we instinctively breathe quickly and deeply to cope with perceived threats.
- By adjusting the rhythm and pace of your breathing, you should perceive certain phrases in a new light. This approach is effective, as all humans tend to modify their breathing patterns in response to threats in a myriad of different ways.

Importance of Maintaining a Steady Breath

- When addressing the jury, it is essential to maintain a steady breath. Take a deep breath and begin speaking only when you feel fully prepared.
- I have observed numerous attorneys become paralyzed in front of the jury, diminishing their authority and their ability to communicate effectively. This often leads them to either force their words out emotionally or withdraw from engaging with the jury.
- Prior to speaking, take a moment to sense your support and readiness. Only begin when you are ready.

The Natural Instinct of the Voice to Express our Inner Feelings

- When the voice is liberated and nurtured, it will follow your intended direction. As we become emotionally and intellectually invigorated, the voice naturally seeks to express these feelings.
- Consider anyone who speaks with passion; their voice harmonizes with their enthusiasm. The audience does not dwell on the fact that the speaker has utilized a wide vocal range. Instead, they are captivated because the voice, ideas, and words resonate in *unison*. In other words, the voice aligns perfectly with the content being presented.

Variety is the Spice of Life

- Another crucial aspect is that an audience can only tolerate a monotonous voice for a limited time. What they truly desire from the performer is *variety*. They may disengage, but if they do, they risk missing significant moments in the performance.

Exercise for Enhancing Your Vocal Range

- Here is an exercise designed to enhance your vocal range. Select a passage from the works of Shakespeare or Shaw that features heightened language. You will perform this text in three distinct manners.
- The initial phase of the exercise may be frustrating, as it is intended to be. Deliver the text with minimal vocal variation, aiming for a tone that is as neutral, flat, and disengaged as possible just as if you were reading a grocery list out loud. Consciously restrict your expression, keeping it subdued and limited.

Exercise for Enhancing Your Vocal Range

- You will likely sense the text's urge to expand and break free. This is a positive sign. Additionally, you may notice a dulling of both emotions and thoughts during this process.

Exercise for Enhancing Your Vocal Range

- Now, shift to the opposite end of the spectrum. Articulate the text in the most exaggerated manner possible, utilizing your complete vocal range. However, maintain support without straining your voice.
- Elongate the vowels, take pleasure in gliding through the words, and savor them with flair. This may feel unusual, as such expression is not typical in everyday life. Resist any inclination to self-criticize.

Exercise for Enhancing Your Vocal Range

- Engage your entire body physically, allowing your movements to correspond with the vocal extremes. You may feel inclined to raise your volume significantly.
- Instead, aim to modulate your volume, avoiding a constant level. Once more, ensure that your volume fluctuates in *harmony* with your vocal range.

Exercise for Enhancing Your Vocal Range

- Finally, after examining both ends of the spectrum, revisit the text without focusing on vocal range. This approach will likely result in a sound that is more vibrant and liberated, revealing a newfound intensity in the language.
- The principle you have just practiced involves expanding the entire vocal instrument and then returning to experience the true freedom and richness of your voice.
- This process allows a speaker to explore vocal creativity and intrigue by contrasting their range with the extremes of the spectrum.

Physical Characteristics of Spoken Language

- The physical characteristics of spoken language provide significant insights into the meanings of words. For example, the distinct qualities of consonants and vowels reveal various emotional tensions that the language conveys.
- It is often said that one cannot fully grasp a profound text until it is spoken out loud. I could not agree with this more, as well as in the belief that the physical and sensory aspects of words remain unappreciated until they are articulated. For this reason, I've always found it easier to understand Shakespeare's plays when I was a spectator at a live performance than when I was reading it to myself.

Hidden Clues Within a Text

- Whether or not playwrights are aware of it, they possess an inherent understanding of how humans engage with language. This intrinsic knowledge enables them to express concepts that are often challenging for others to conceive, articulate, or emotionally connect with. Texts are rich with numerous clues that facilitate our ability to communicate.

Mouthing the Text Silently

- Select a passage from your own opening statement. Visualize the entire text while articulating it silently, emphasizing each word dramatically—paying close attention to the beginning, middle, and end of every word.
- After you have silently articulated the entire passage, return to it again and speak it out loud with full volume.

Mouthing the Text Silently

- You may initially notice that it becomes significantly easier to pronounce each word. The silent practice has conditioned your muscles to engage and function effectively. By removing vocalization, you rely solely on your muscles to perform the task, and you will be surprised at how swiftly they adapt to the challenge. In an instant, the entire passage is articulated.

Mouthing the Text Silently

- Mouthing the words can also uncover both conflict and meaning. The consonants will help you grasp the text *intellectually*.
- This is a common practice when we encounter a challenging passage in a book; we instinctively begin to mouth the words.

Vowels

- The following exercise focuses on the use of vowels, which serve as the foundation of vocal expression. Insufficient emphasis on vowels can diminish the quality of your voice.
- To achieve greater volume, increase the *weight* of the vowels. This principle also applies to the vocal range. While consonants represent the intellectual aspect of speech, vowels convey emotional intensity.

Vowels

- The emotional quality of a speech is influenced by the *duration* of the vowels. Short vowels tend to suppress emotions, while longer vowels tend to express them more *fully*.

The Free Flow of Longer Thoughts

- This principle also extends to thoughts; longer thoughts typically flow more freely when accompanied by ample vowels. Additionally, consonants play a crucial role in shaping the vowels, creating a harmonious blend that allows the speaker to experience a deeper connection between consonants and vowels. This interplay contributes to a voice that is both fuller and more resonant.

Effective Volume Control

The technical requirements for effective volume control include:

- Maintaining an open throat to facilitate sound projection.
- Consistently staying on voice, as inexperienced performers often shift to a whisper, which lacks projection.
- Ensuring that each word is fully articulated, preventing any syllable from retreating into the throat.

Effective Volume Control

- When I speak at moderate to lower volume levels, I can, although I shouldn't, manage tension without harming my vocal cords. However, once I exert more power, my voice becomes more susceptible and at risk.
- Therefore, as you raise your volume, **eliminate any tension in the throat**. If you feel tension creeping in, try yawning or envisioning the sound of an 'h.' If the tension continues, pause.
- Additionally, ensure that there is no tension in the shoulders; all vocal effort should originate from proper support without any physical strain in the body.

Effective Volume Control

- As the volume of your voice increases, it becomes essential to enhance the weight of your vowels to provide adequate support. It is important to articulate words fully without hesitation. Any tendency to restrain your speech will manifest as tension in the throat. This release is crucial.
- This phenomenon explains why intoxicated individuals often appear loud and disruptive; they have shed the inhibitions that many of us maintain regarding volume. They do not hold back or apologize but instead project their voices with vigor.

Effective Volume Control

- Challenge yourself to raise your volume to its maximum capacity as a means of testing your boundaries. During both soft and loud speaking intervals, you may notice that certain portions of the text resonate more effectively, while others may be diminished. While you may not uncover groundbreaking revelations in the text through volume modulation, you will certainly discover a greater range and emotional depth in your vocal expression.

Effective Volume Control

Key considerations regarding volume:

- Humans do not instinctively shout or maintain high volume levels for extended durations. Prolonged vocal exertion can lead to fatigue.
- Jurors may quickly become overwhelmed and fatigued by incessant noise.
- If jurors must strain to hear your voice for long periods, they are likely to lose focus.
- Volume is closely associated with emotion. Therefore, while I encourage you to explore variations in volume, it must always be connected to genuine emotional expression. A voice that is robust, unrestricted, and adaptable can effectively convey emotion through varying volumes in the text. Volume should consistently enhance the content.

Effective Volume Control

- When uncertain, refrain from forcing your voice.
- Determine the appropriate volume necessary to adequately fill the space before experimenting with softer levels.

Word Stress

- In our daily lives, outside of the stage or courtroom, we tend to misplace stress on words *only* when we lack understanding of their meaning. The relationship between stress and meaning is entirely interconnected.
- There is a tendency whenever we speak written, precious text to emphasize pronouns over verbs. I hear this on Sundays when I am at church and the lector is reciting one of the readings to the congregation. You can tell that something is “off.” Why? One reason is the overemphasis of pronouns, but in normal everyday conversation we don’t emphasize pronouns. They are so familiar to the ear that we often abbreviate them (i.e., “he is” becomes he’s and “I am” becomes I’m).

Word Stress

- Words are emphasized effectively when an actor comprehends the content and purpose of his speech, as well as its underlying meaning.
- The liberation of the body, breath, and voice is interconnected with mental freedom and comprehension. If one is misplacing emphasis, it is likely that there is a lack of understanding regarding the message being conveyed.



Word Stress

- Be careful when emphasizing words excessively. The jury may struggle to grasp the intended meaning if the clarity of an idea is overwhelmed by excessive stress.
- Key words within a thought will carry significant weight. In poetry, a skilled writer achieves this through iambic stress. A strong emphasis on a word entails a more pronounced articulation of that word, while an unstressed word will be rendered neutral.

Word Stress

- Experiment with the phrase, "My friend is coming to supper." If your intention is to emphasize that it is "my" friend rather than "your" friend, then the word "my" will carry significant weight. The remaining words in the sentence will take on a more neutral tone.
- Conversely, if "supper" is emphasized, the focus shifts to that specific meal, indicating that my friend is arriving for supper rather than lunch or tea.

Word Stress

- We emphasize this naturally; however, if you encounter issues with stress, it may be beneficial to ensure that the essential words carry the appropriate weight, while the less important ones lean more towards neutrality.

Word Stress

- When a word is emphasized, we naturally transition into and out of it using inflections, which are inherently linked to its meaning.
- Pair up with a partner and select a sentence to speak in a clear and neutral manner.
- Next, alter its meaning by adjusting the stress and inflection. Repeat the sentence with this new emphasis and intonation, and challenge your partner to identify the variations in meaning.



Philadelphia

Denzel Washington

Long Thoughts

- It is not unusual for audience members to sit through a speech or an entire play without truly comprehending it, primarily because the actors have failed to grasp the underlying concepts, the depth of those concepts, or the relationships between different ideas. The same is true for jurors.
- In contemporary discourse, many individuals no longer articulate their thoughts in the lengthy, intricate passages that are sometimes found in classical works or in closing arguments. It is important to recognize that a closing argument employs *heightened* language.

Long Thoughts

- The importance of linking ideas and thoughts cannot be overstated, yet it is frequently overlooked in secondary education across the nation. Each idea should seamlessly transition to the next.
- In structured communication, thoughts should not exist as isolated fragments but should instead be interconnected to create a cohesive narrative.

Long Thoughts

Here are some useful suggestions:

- To signal the conclusion of a thought, use a full stop (period), question mark, or exclamation mark. Commas, colons, and semi-colons do not denote the end of a thought; rather, they indicate pauses, shifts, or variations within the ongoing thought.
- A thought can be likened to a physical action, like a dance step, representing a single, cohesive movement. Even in a state of stillness, there is an internal motion propelling you forward. This movement may involve various flutters, detours, or rhythms, but it ultimately culminates in a definitive stop.

Long Thoughts

- Consider each thought as a progression from point A to point B to point C, perhaps within the confines of a room. For instance, if I intend to exit the room, I must first take action to do so. However, I need to pause to collect my phone and then backtrack to retrieve my coat just as I approach the door.
- This metaphorical journey can be likened to traveling in a car from point A to point B. To reach point B, you must navigate turns, halt at traffic signals, and shift gears. These various maneuvers—turns, stops, and gear changes—will be represented through the use of punctuation such as commas and colons.

Long Thoughts

- Let us clarify some misunderstandings regarding lengthy thoughts. This issue frequently arises during closing arguments when we apply facts to the law and begin our legal analysis. It is not necessary to express an entire thought in a single breath; we can pause and still take a breath. Breathing naturally occurs during transitions, pauses, and shifts in focus.
- Occasionally, it can be beneficial to attempt to convey a thought in one breath, as this can illuminate the progression of the idea and help us appreciate its entirety. However, certain lengthy thoughts cannot realistically be articulated in a single breath.

Long Thoughts

- Avoid the urge to rush a lengthy thought. There is nothing wrong with pausing momentarily while still engaging with an idea. This is a common practice; often, we find ourselves halting mid-thought, perhaps even holding our breath, before resuming. Similarly, during a journey, one can take a moment to appreciate the scenery before continuing toward the destination.

Long Thoughts

- If you struggle with the duration of a thought, try articulating it at a faster pace. This approach can help you navigate through the thought and often lead to greater clarity. However, speaking rapidly is not always necessary and may only serve as a temporary fix. It can be challenging to maintain a lengthy thought at a slower pace due to the anxiety of forgetting it if not expressed quickly. Nevertheless, it can be achieved. What truly matters is that you see the thought through to its conclusion and immerse yourself in the language. It is crucial to persist in thinking and developing a thought until it is fully realized.

Long Thoughts

- The mental bandwidth necessary to convey complex ideas embedded in ambiguous legal arguments to a jury is challenging, rigorous, and physically demanding. Consequently, trial lawyers must exhibit the same level of commitment and work ethic in their profession as professional athletes do in theirs.
- I often employ metaphors such as: "I excavate a garden, laboring diligently until I remove the entire root of the weed. I stack bricks meticulously, one atop the other, until a wall is constructed. This process of digging and building parallels the effort needed to maintain a coherent thought."

Long Thoughts

- Consider the initial or concluding thought of your opening and closing and analyze the number of directional shifts it contains. It may present as a smooth, continuous line or exhibit numerous twists and turns. Envision this thought as a map leading to a hidden treasure within a secret forest.
- Identifying whether the thought maintains a singular flow of energy or undergoes multiple directional changes offers valuable insights for performance.

Long Thoughts

- A thought characterized by chaos and turbulence will likely feature numerous turns, while a thought that flows seamlessly indicates a greater freedom in your thinking at that moment.

Long Thoughts

- Next, assess the thought within the broader context of the entire speech. While a speech may be centered around a single idea, seek out examples that encompass multiple thoughts. You may be surprised to find that many famous speeches are composed of just three or four distinct ideas. This structure is often evident in Shakespeare's lengthy soliloquies and his sonnets.

Long Thoughts

- Articulate your words with an understanding of the path that each thought takes. Recognize that every new thought is linked to the one that came before it. Each thought contributes to the overall narrative and guides you toward a resolution.
- In this sense, thoughts are *cumulative* like stacking bricks on top of one another forming a structure that represents the story.

Long Thoughts

- This method is fundamental to the effectiveness of many compelling plays and introductory remarks.

Long Thoughts

- Exceptional writers, such as Shakespeare, engage in an even more exhilarating process. As the narrative approaches its resolution, the emphasis sharpens on a specific issue, drawing the audience directly to the focal point. In an instant, the expansive view that opened the play narrows to a close-up of a bird perched on a branch.
- This process can be seen in the final scene of "The Father" with Anthony Hopkins.



Long Thoughts

- Once you grasp the flow and trajectory of the ideas, not only will comprehending a foreign text (or your own) become simpler, but you will also absorb it concept by concept, gaining a deeper appreciation for the interconnections. This approach also facilitates the memorization of the material.



Long Thoughts

- Another avenue for creative exploration when analyzing a text on a thought-by-thought basis is to consider the differing lengths of each thought. Lengthier thoughts indicate a character whose intellectual and emotional faculties are actively engaged. This observation should resonate with us as attorneys.
- Conversely, if the thoughts become abruptly shorter, the character's intellectual and emotional processes are stalling or being stifled.

Long Thoughts

- Reflect on whether the character exhibits a stream of lengthy thoughts or is hindered by the brevity of their expressions. It is also possible that the character displays a combination of sudden advances in thought, interspersed with pauses and hesitations.

Vivid Example

Paul Newman's
closing argument in
"The Verdict."



Thought-Mapping the Text

- As you articulate your thoughts, pay attention not only to their length but also to the various shifts and fluctuations within each idea. Remain receptive to the text, allowing it to guide you in whichever direction it wishes. Consider “walking out” the thought to visualize its progression in your mind.
- As you move, you will perceive the tempo and cadence of your thoughts, as well as any changes in their trajectory. Certain segments of your speech may propel you forward with great speed, possibly requiring you to run.

Thought-Mapping the Text

- Conversely, some thoughts may unfold at a more leisurely pace. In some instances, you may encounter numerous twists and turns, while others may extend so far that the space around you feels insufficient to contain them. If you were to observe this exercise from a bird's-eye view, you would witness the physical representation of the speech's journey as enacted by the performer.

Thought-Mapping the Text

- After you have physically walked and articulated the speech, pause and deliver it while remaining stationary. You will continue to sense the internal movement and be invigorated by the dynamic essence of the text that has come alive.
- Your breathing will likely align with your thoughts, and you may discover that you are no longer preoccupied with your breath. Furthermore, the range of your voice is likely adapting to the variations within the text.

Two Signature Hallmarks of Elevated Texts

Most elevated texts, including legal arguments, consist of two essential elements:

- The language propels you forward. It is dynamic. Instead of hesitating to analyze your words, you utilize them to influence events.
- Transitions or shifts in the text, whether in thought or emotion, are often conveyed succinctly, typically with a single word: “but,” “if,” “when,” “conversely,” “then,” and so forth.

Two Signature Hallmarks of Elevated Texts

- In more casual language, as we often use today, we tend to make transitions with multiple words, such as “You know what I mean...,” “Perhaps I might...,” or “I wonder if...” This distinction in language should be reflected in your delivery. Each word that signifies a shift should be distinctly emphasized.
- Common word transitions create a gentle curve, while elevated text demands *clear*, *precise*, and *swift* transitions. Internalize this motion, and it will manifest in your voice when you speak.

Incomplete v. Interrupted Thoughts

- I've discussed the potential that "incomplete" thoughts have on losing a jury. However, I have not discussed "interrupted" thoughts. Shakespeare knew a thing or two about these. Many a Shakespeare character has lost his or her train of thought during a speech and for good reason. They were experiencing a heightened level of emotion - from rage to despair to loss to love - and could no longer contain it.

Incomplete v. Interrupted Thoughts

- Look no further than Hamlet's "Too too solid flesh" monologue or "Romeo and Juliet." Not only can you see this in the words themselves, but Shakespeare would "break" the iambic meter to signal that something out of the ordinary was happening.

Incomplete v. Interrupted Thoughts

- Because interrupted thoughts are innately human and we always strive for conversational reality when we're in the courtroom, I endorse their use when the moment calls for it.
- For example, when a juror nods their head or smiles at you, you may be so affected by it that you smile back. You might even pause while doing this. And then you can pick back up where you left off.

Owning Your Words

- Let's connect the concept of owning words to both the voice and, crucially, to the breath. When an actor truly owns a word, their voice and speech are devoid of any clutter. The word is articulated clearly and effectively, allowing the audience to perceive it in a straightforward yet profound manner. The word exists freely, yet it is shaped by the actor's individual experience.

Owning Your Words

- This is remarkably simple, but beneath that simplicity lies a vast realm of experience. Often, directors will instruct an actor who struggles with the words in a speech to “simply say the words.” This suggests that the actor should understand and embrace the word sufficiently to trust themselves and explore without hesitation. This approach is logical; whether shouted or whispered, words can easily become lost and lack genuine impact.

Owning Your Words

- Much of this process resembles a “chicken and egg” scenario. To fully embrace a word, one must have a liberated voice and breath. However, true ownership of a word is necessary for the voice and speech to achieve complete freedom.

Owning Your Words

- Actors often receive technical training designed to expedite the journey toward word ownership. By mimicking a free breath and an open vocal stance, actors can establish a technical connection to a word, which frequently guides them in understanding how to truly *own* it.

Owning Your Words

- The mastery of words is closely linked to the way breath is connected and utilized. During rehearsals of a complex script, actors often experience a similar phenomenon. Initially, they are familiar with the text; they have memorized it, and it resides in their minds, leading to a superficial understanding of the words.

Owning Your Words

- As rehearsals continue, one can observe the text gradually integrating into their bodies, claiming their breath. This process allows them to engage with the text on a more profound level. Subsequently, something intriguing happens – they begin to forget the words!
- When the language takes root in their heart and soul, it necessitates a form of relearning. This is when true ownership of the text begins to develop.

Owning Your Words

- It is not unusual to experience moments of forgetting words as one transitions from intellectual understanding to a more profound sensual, emotional, and spiritual awareness. Consequently, I strive to remain patient with myself when I momentarily lose a line, as this indicates a deeper connection to the text than I had previously achieved.

Owning Your Words

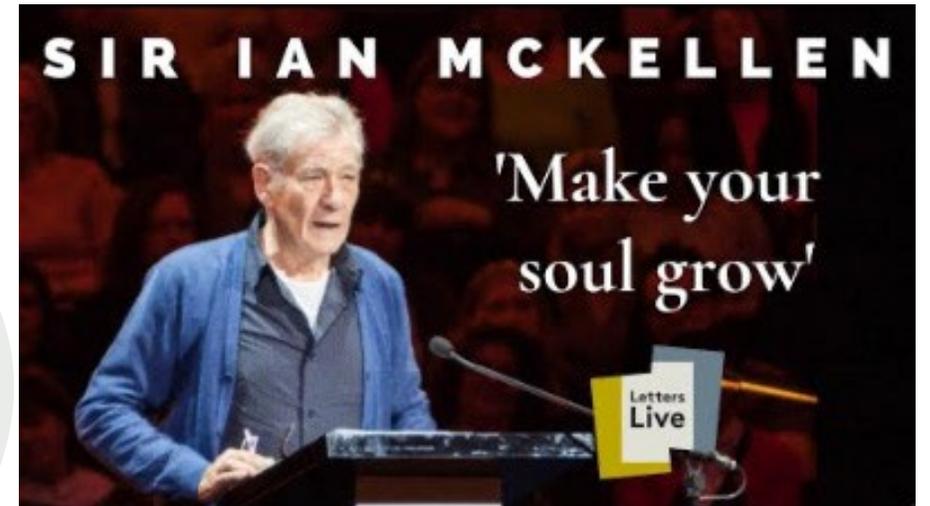
- When an actor begins to recall the text once more, it often emerges with greater fullness, richness, and depth. As incredible as this might sound, I find myself gaining a more comprehensive grasp of my text when I am out on a run. During this process, the emotional connections may deepen significantly as if by osmosis. The journey of ownership for an actor and speaker is continuous.

Physical Aspect of Owning Your Words

- Now, let us consider the physical aspect of truly owning words. When we claim a word, we integrate it deeply into our being, often facilitated by our breath.
- The deeper and lower the breath, the stronger our connection and emotional resonance with the word.

A master at work

Ian McKellen reading Kurt Vonnegut's inspirational letter to an audience.



Exercise for Owning Your Words Deeply

- Here is an exercise designed to explore the concept of “Owning Words Deeply.”
- Begin with the word “No.” Inhale deeply into your chest or raise your shoulders as you articulate “No.” While you may hear the word, consider how it sounds and feels—likely weak or lacking commitment.

Exercise for Owning Your Words Deeply

- Next, take a deep breath into your lower body and then say, “No.” This approach may alter your perception of the word, fostering a stronger connection and deeper understanding. This method exemplifies a straightforward way of engaging with language from the outside in.

Exercise for Owning Your Words Deeply

- To enhance the significance of the word further, you can delve deeper into its meaning.
- My instructors encourage me to incorporate breath into specific sections of a text when I feel disconnected from the words. The act of breathing in conjunction with the words often leads to a genuine sense of ownership, both emotionally and sensorially.

Exercise for Owning Your Words Deeply

- Experiment with different phrases in a similar manner: “nothing”; “I fear you”; “I love you.” Engaging with emotionally charged words requires a compassionate approach, as it may evoke feelings that are uncomfortable. Words possess a profound power that can easily awaken painful memories as you revisit them. Do not push yourself into emotional spaces you are not ready to explore. This process will unfold naturally when you are prepared. Your voice will express what it needs to convey.

Leading the Jury through the Story

- I like to say it is our job to “lead the jury” through the story, just like it is for an actor to lead an audience through the narrative, allowing them to experience the highs and lows of the plot. It is essential to engage the jury throughout that journey, guiding them to reconnect with the rhythm of words and visuals in an era dominated by imagery.

Leading the Jury through the Story

- Time plays a crucial role in this process. We navigate the jury through different temporal dimensions, altering their energy and shaping their experiences over time. Breath serves as a vital tool in this endeavor, allowing us to harness the energy needed to reinforce the text's ideas, visuals, and arguments.
- What types of breaths can we make use of as we work our way through our speech?

THE FULL BREATH

- In old school training, it was called a full stop. This occurs with a period (.) a question mark (?) or an exclamation point (!). It is the end of the sentence/thought. It is followed by a full breath.
- This is a very active moment. It could last awhile or be short. But something has just ended and something else is beginning.

THINGS TO PLAY WITH

- What is the quality of each full breath? What images/ideas are being resolved? What images/ideas are coming up next, in time, for the character? As you take in a full breath, what is happening to your character... to you?
- Reminder: explore. This is NOT about getting something right. This is NOT about thinking about full breaths in performance. This IS a technique to play with early in exploration/rehearsals to begin moving the text from a bunch of ink blots on a white page into your body and your experience in service to the character or speech.
- I like to mark a full breath both in my scripts and in my written arguments with an **X**. At the very least, it reminds me to breathe and not to hold my breath.

THE CATCH BREATH

- In old school training, this was known as a caesura. It is an interruption or break or pause in the middle of a line. Catch breaths are marked with a comma (,) a colon (:), a semi-colon (;) or a slash (-). They are not as active as the full stop because they are an interruption.
- In other words, the character is still within the singular thought, but something has happened to interrupt it for a brief moment... it isn't a hold... it is a chance to "catch" a bit of something. The breath is usually a quick inhale because the thought is going to continue, not stop.

THE CATCH BREATH

- So, catch breaths have not only a rhetorical function, but also an energetic function. In a long line, they allow us to have little refills of air. So, we can extend the line of thought, even build it or embroider it, over time.
- They can often build a rhythm for the character. For example, Hamlet begins, “To be or not to be” with a lot of catch breaths as he searches here and there for a way to state the question and ponder its meaning. As he grows more sure of his response to the question, the language opens up and there are less catch breaths.

THE CATCH BREATH

- Since our bodies remarkably know exactly how much breath to take in to support a thought, we tend to use catch breaths only sparingly. But when we do, we need to be cautious about not using them too frequently or at the wrong moment. We risk breaking up the thought and making it difficult for the jury to understand.
- I like to mark catch breaths both in my scripts and in my written arguments with a slash: /. At the very least, it reminds me to breathe and not to hold my breath.

Best practices for using the pause

- “Own” the pause. Why? Because you are speaking “heightened text,” which contains big ideas and thus, carries a lot of energy. As such, you don’t want to drop the energy. When you think about it, the pause is a great, big gaping hole that if overused will undermine your speech in two main ways: (1) You will be too slow to connect one idea to the next and (2) You will appear self-indulgent.
- Imagine a singer taking big breaths in the middle of a line. For example, consider “Mary had a little lamb.”

Best practices for using the pause

- It becomes obvious in singing because it's about the *energy* that is being carried through a phrase. When the energy is carried through a phrase, we understand it better. Why? Because jurors, like any audience, must hold onto an idea until they're done processing it. If a thought is left "hanging" in mid-air for too long before connecting to the next thought, the jury will lose it and will not be able to connect it to the subsequent thought. And when that happens, they will miss the point.

Best practices for using the pause

- For this reason, the jury needs to be given the whole idea and not just half of it. This is more important today than ever due to technology and shorter attention spans.

Best practices for using the pause

- Check to see if you're being indulgent in your pauses when you don't need to be. As an alternative, think about *breathing* - rather than pausing - into a new idea.
- I am strategic about when and where I use the pause. I ask myself the question, "If I could keep only one pause, where would I put it?" Decisions and discoveries are usually ripe for pauses. These are great and valid. But they're not as often as you think.

Best practices for using the pause

- Next, I always examine the “connecting thought,” that which propels me from one idea to the next and ask, “Do I want to shift from the first thought to the next thought seamlessly or do I want to use the pause?” In this way, I force myself to identify all of the transitions in my speech.
- And if I do decide to use the pause, I commit to it fully and make it worth it!

The Chapter Method

- In the same way that actors break down their text into “beats” in order to see the transitions, I encourage trial attorneys to use the “chapter method” to break down their closing arguments and cross-examinations into smaller, “bite-sized” pieces not only to see the transitions, but also to see what role each individual part serves in forming the whole.
- For more on this, watch my presentations on “Closing Argument” and “Cross-Examination Made Simple.”



Sanford Meisner

- The famous acting instructor, Sanford Meisner, once said: *“The text is like a canoe and the river on which it sits is the emotion. The text floats on the river. If the water of the river is turbulent, the words will come out like a canoe on a rough river. It all depends on the flow of the river which is your emotion. The text takes on the character of your emotion. That’s what this exercise is for; how to let the river of your emotion flow untrammelled, with the words floating on top of it.”* (p.115, [Sanford Meisner On Acting](#))

Sanford Meisner

- This quote, coupled with what we now know about vowels and consonants, helps explain why we can understand – viscerally – a person expressing themselves fully in a foreign language even though we don't speak that language ourselves. This is especially true when it comes to Romance languages.

Voice Training

- I cannot overstate the importance of voice training. As a performer who is used to doing ten shows a week, I can honestly say that the demands placed on my voice during a trial far exceed those I've had to grapple with as a performer. During trial, it's not unusual for a lawyer to be up on their feet for five or six hours a day, five days a week, cross-examining witnesses and arguing evidential issues. Your voice needs to be ready to take on the demanding nature of the courtroom. Otherwise, it will not be there when you need it the most. For this reason, voice training is paramount in order to keep you voice full, healthy, and vibrant.

Voice Training

- The biggest travesty in this is that few, if any, lawyers have ever taken a voice class. We need this to unlock the full potential of our voices.
- Yet, for actors, voice work is so vital that even the best actors in the industry continue to work on their voices regularly throughout their careers.

5 Ways You May Be Hindering Effective Communication in the Courtroom

- Have you ever sensed that your audience is not fully engaged when you speak? They might appear distracted, disengaged, or even interrupt you mid-sentence. The reality is that the manner in which you communicate is just as crucial as the content of your message. Unbeknownst to you, certain habits may be obstructing your ability to convey your thoughts clearly and effectively.
- The legal profession demands strong communication skills. Steering clear of these five prevalent speaking errors can enhance your ability to communicate with impact and assurance.

5 Ways You May Be Hindering Effective Communication in the Courtroom

1. Speaking Too Slowly (And Losing Your Audience's Focus)

We have all encountered speakers who prolong their words, making it easy to anticipate their next point. The issue with this approach is that when your audience's minds start to wander, they disengage. Instead of concentrating on your message, they may begin to think about their tasks, check their phones, or simply zone out.

Reasons for This:

- A lack of vocal energy diminishes audience engagement.
- Predictable speech patterns can render listening tedious.
- Audiences seek momentum; without it, their interest wanes.
- A consistent flow of speech, combined with vocal variety and nonverbal signals, creates the suspense necessary to keep listeners attentive.

5 Ways You May Be Hindering Effective Communication in the Courtroom

2. Speaking Too Quickly (And Overwhelming Your Audience)

Conversely, speaking at a rapid pace can inundate your listeners. If they struggle to keep up with your words, they may become confused or give up entirely, resulting in a loss of your intended message.

Reasons for This:

- Nervousness, excitement, or passion can naturally accelerate speech.
- Fast-paced delivery overwhelms listeners with excessive information.
- Instead of grasping your message, your audience may find themselves searching for clarity and missing essential points.
- To enhance understanding and retention, slow down, incorporate strategic pauses, and emphasize key phrases.

5 Ways You May Be Hindering Effective Communication in the Courtroom

3. Ineffective Breathing (And Causing Unnecessary Tension)

Have you ever felt breathless while speaking? This indicates that your breathing technique may be inefficient, impacting more than just your vocal quality. When you find yourself short of breath in the middle of a sentence yet continue speaking, your body becomes tense, and this tension is palpable to your audience.

Reasons for This Occurrence: Shallow breathing disrupts the natural cadence of speech. An imbalance of carbon dioxide and oxygen heightens anxiety and leads to vocal strain. Your audience reflects your tension, resulting in their discomfort. By mastering active breathing techniques, you can project a confident and controlled voice, thereby maintaining the engagement of your listeners.

5 Ways You May Be Hindering Effective Communication in the Courtroom

4. Speaking Too Loudly or Too Softly (And Conveying the Wrong Impression)

Volume is crucial. If you speak too softly, your audience may struggle to hear you, or worse, they may perceive you as lacking confidence. Conversely, speaking too loudly can come across as aggressive, overwhelming, or distracting.

Reasons for This Occurrence: The fight-or-flight response influences vocal projection. Some individuals compensate for anxiety by speaking loudly, while others retreat into soft, hesitant speech. Achieving the right vocal balance conveys authority, warmth, and presence. By practicing vocal modulation, you can ensure that your voice captures attention without overwhelming your audience.

5 Ways You May Be Hindering Effective Communication in the Courtroom

5. Speaking in a Monotone (And Appearing Less Engaging) Have you ever listened to someone who spoke in a flat, unvaried tone? With no vocal variety or pitch changes, the words come out in a dull rhythm, making it difficult to stay engaged.

Reasons for This Occurrence: Nervousness, tension, or an excessive focus on content can lead to a flat voice. A lack of pitch variation diminishes the emotional resonance of your words. Monotone speech weakens audience connection and diminishes engagement. Incorporating pitch changes, emphasis, and an expressive tone can help create a dynamic and compelling speaking style that captivates your listeners.

Bonus – Articulation Exercises

BDGD GDBD

PTKT KTPT

T TT TTT

D DD DDD

TDT TDT TDT

DTD DTD DTD

Bonus – Articulation Exercises

TIPPITY TOPPITY

DIPPITY DOPPITY

WIPITTY WOPPITY

KIPPITY KOPPITY

OOWEE OOWEE

WEE AWAY WEE AWAY

MEE MEEE MEE

MER MER MER

MEE MER MEE MERR

Bonus – Articulation Exercises

SHER RUE SHER ROW SHER RAW SHER RAH SHER RAY SHER
REE

KKK KKKK KKKKKK

SPOO SPOH SPAW SPAH SPAY SPEE

STOO STOH STAW STAH STAY STEE

SKOO SKOH SKAW SKAH SKAY SKEE

SMOO SMOH SMAW SMAH SMAY SMEE

SNOO SNOH SNAW SNAH SNAY SNEE

Bonus – Articulation Exercises

OOSP OHSP AWSP AHSP AHSP EESP

OOST OHST AWST AHST AYST EEST

OOSK OOSK AWSK AHSK AYSK EESK

OOSPS OHSPS AWSPS AHSPS AYSPS EESPS

OOSTS OHSTS AWSTS AHSTS AYSTS EESTS

OOSKS OHSKS AWSKS AHSKS AYSKS EESKS

Bonus – Vocal Exercises

Unique New York

Unique New York, Unique New York, Unique New York

Unique New York, Unique New York, You know you need Unique New York!

Around the Ragged Rock the Ragged Rascal Ran

Abominable Abdominals (3 times)

Red Leather, Yellow Leather (3 times)

Red Leather, Yellow Leather, Lavender Leather

Bonus – Vocal Exercises

Rivalry Week (3 times)

Selfish Shellfish (3 times)

Toy Boat (3 times)

Topeka Bodega

Topeka Topeka Topeka

Bodega Bodega Bodega

Topeka Bodega Topeka

Bodega Topeka Bodega

Bonus – Vocal Exercises

I Slit the Sheet, the Sheet I Slit and on the Slitted Sheet I Sit!

Rubber Baby Buggy Bumpers

The Leith Police Dismisseth Us!

Hips Width Distance

She Sells Seashells by the Seashore

Sally Sells Seashells by the Seashore

Sally Sells Seashells by the Seashore Where the Sun Shines on the

Shop Signs

Bonus – Tongue Twisty Texts

To sit in solemn silence in a dull, dark dock
In a pestilential prison with a life-long lock,
Awaiting the sensation of a short, sharp shock,
From a cheap and chippy chopper on a big black block.
(Gilbert and Sullivan)

Bonus – Tongue Twisty Texts

Night's candles are burnt out, and jocund day

Stands tiptoe on the misty mountain tops:

I must be gone and live, or stay and die.

(Shakespeare)

Bonus – Tongue Twisty Texts

The rattlesnake bites you, the scorpion stings,
The mosquito delights you with buzzing wings;
The sand-burrs prevail and so do the ants,
And those who sit down need half-soles on their pants
(Anonymous)

Bonus – Tongue Twisty Texts

You're a regular wreck, with a crick in your neck,
And no wonder you snore for your head's on the
Floor, and you've needles and pins from your soles
To your shins, and your flesh is a-creep, for your
Left leg's asleep, and you've a cramp in your toes,
And a fly on your nose, and some fluff in your lung
And a feverish tongue, and a thirst that's intense,
And a general sense that you haven't been sleeping
In clover.

(Gilbert and Sullivan)

Bonus – Tongue Twisty Texts

The barge she sat in, like a burnished throne
burned on the water: the poop was beaten gold;
Purple the sails, and so perfumed that
The winds were love-sick with them.
(Shakespeare)

An Open-Ended Jury Selection Question

- I want to share with you a great open-ended question that I have used during jury-selection to get the jurors talking: "If you could have dinner with any person, living or dead (family member, friend, or a celebrity) who would that be and why?"
- This never fails to get the jurors talking.

Final Thoughts: Speak with Confidence, Be Heard with Clarity

- Your voice possesses significant power. It influences how others perceive you, how effectively they grasp your message, and even how much they *trust* your words.
- By implementing essential adjustments—such as breathing with ease, controlling your pace, varying your pitch, and balancing your volume—you can become a more effective and compelling speaker.

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Criminal Defense**

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