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**PROGRAM MATERIALS**

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## **Litigation Series: Session 11 - Make Your Words Sing: Shakespeare's Secrets for Lawyers, Part 1**

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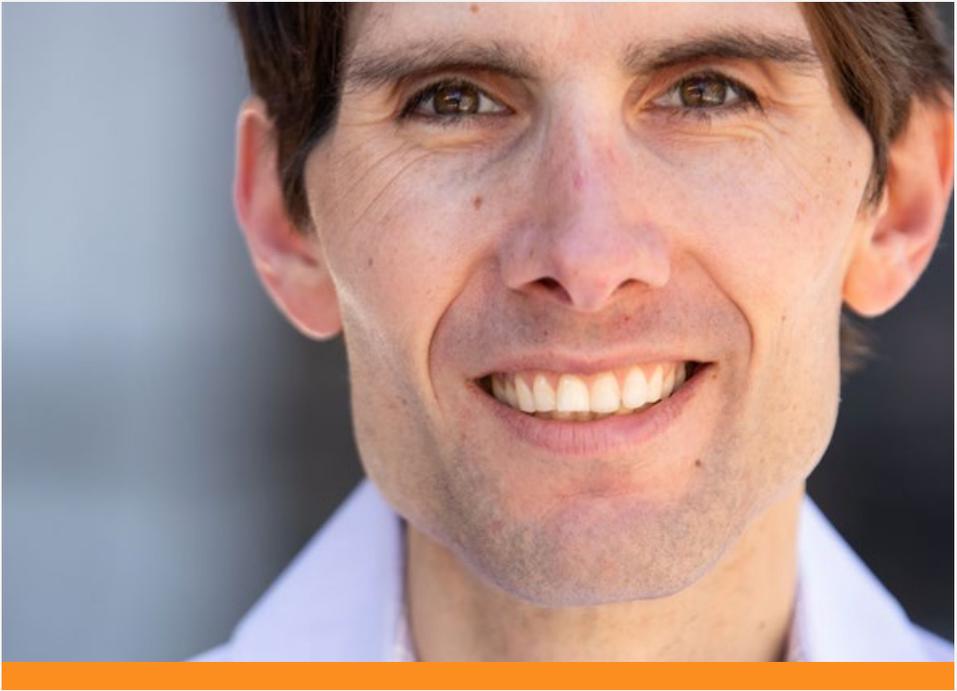
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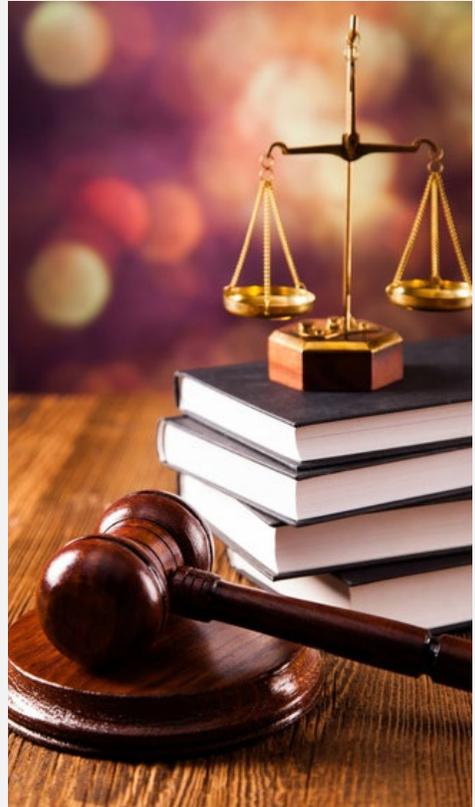
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- Trial Lawyer
- Actor Marathon
- Author
- NCDC Graduate
- runner

# Introduction



I love doing this presentation because it allows me to combine two of the things that I am most deeply passionate about: the law and theater.



Here, I will venture to go deeper by pulling back the curtain on the fundamental aspects of training that every actor in a professional acting conservatory must undergo before they are ever handed their first script and how this can be helpful to trial lawyers when trying a case.



At first blush, the similarities between the theater and the courtroom might seem as disparate as the difference between night and day. But when you look beneath the surface, the connections between the two are strikingly similar.



# Mixing Law & Art

While I was training as an actor, I began to see the parallels between what actors do on stage with what lawyers do in a courtroom and how these tools and techniques could be applied by the lawyer in the courtroom to bring the human element to the jury.

One of the guiding principles in theater is that “art expresses human experience.”



[Redacted]

The same is true for trials. After all, the very essence of a trial is a story – the story of a human experience.

The goal of the attorney is to draw the jury into a re - constructed reality of past events, such that they “see” what happened, even though they were not present to witness the original event.



The attorney is the producer of that event as well as the writer, director, and the actor in that event.

A play is also a live event with story at its core. The goal of the actor is to transform personal experience into a universal and recognizable form of expression that has the ability to change something in the spectator. Actors must guide the audience on a journey bringing with them their minds and hearts.

The same is true for lawyers when it comes to a jury.

Hollywood's obsession with courtroom dramas is as old as time. One need look no further than some of the most popular films of the twentieth century.



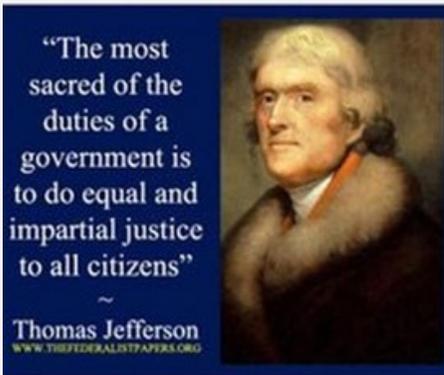
Three that immediately come to mind are

“To Kill a Mockingbird”

“The Verdict”

“A Few Good Men”

What would Hollywood do without lawyers?



Lawyers, like actors, serve something bigger than they are.



Like the stage, the courtroom is a sacred institution where the power of persuasion and positive communication impacts the lives of ordinary citizens every day.



This presentation reveals how the creative world of acting overlaps with the courtroom and how the connections between these two disciplines can be exploited for the good of our clients.

This has become my life's work. It has ignited something deep inside me. It exhilarates me in ways that I cannot even describe. Come join me on this wild ride.



# Topics

Why Shakespeare?

Hip-Hop Shakespeare

Truths About Shakespeare

Common struggles faced  
by Shakespeare &  
Lawyers

The Last Seven Minutes

Tips for Building  
Credibility with the Jury

Inside the Minds of the  
Jurors

Shifting Sands – How I  
View “My” Jury

The Language of Opening  
Statement

- Use Standard English
- Use Power Language
- Give Verse a Chance
- Vary Up Your Sentence  
Length
- Use Powerful Imagery
- Stick with the action —  
Avoid Abstractions

Shakespeare and Verse  
Language

Give Verse a Chance

Breaking Verse is Not Bad

Monosyllabic Words and  
Lines

Shakespeare and the  
Construction of Thoughts

Verse Speaking in Court

Emphasis and Impact  
Devices

The Voice

The Imagination

The Breath

The Power of Silence

# Why Shakespeare?

While it's true that the quote, "Let's kill all the lawyers" came from the stroke of Shakespeare's pen in Henry VI, Part 2, Act IV, Scene 2, there are many things that we, as lawyers, can learn from the Bard.

There is a striking similarity between the Elizabethan theater of the 16th and early 17th centuries and the courtroom, perhaps because the courtroom hasn't changed much since its origins back in the late 1700s.

In the same way that Shakespeare's plays were performed on a stage before live audiences without video cameras, green screens, animation, and special effects, so too is a trial.



It is for this reason that Shakespeare's text was meant to be heard more than it was meant to be seen.



Incidentally, while you are all there is, you're more interesting than any film, special effect, animation, or green screen that we are bombarded with in this "digital age." This is why people today are still drawn to the theater.

In this way, Shakespeare's text is like sheet music. Until the actors breathe life into the words on stage, they are nothing more than blots of ink on paper. This is just as true for our written arguments. Until we get up before a jury and speak the words, they are empty, hollow, and devoid of life – like a stuffed animal. This speaks to the importance of delivery.

Remarkably, the lawyer who stands before a jury finds himself in the very same position as that of a Shakespearean actor: he or she must rely exclusively on their words, their voice, and their bodies, including their gestures and their mannerisms, to tell the story.

It should come as no surprise that audiences back in Shakespeare's day had a sharp ear for listening. However, in today's age of smart phones, electronic devices, and short attention spans, everything about progress has taken us further and further away from being expressive with our words.

Look no further than  
hashtags, emojis, and text  
messages with abbreviated  
words that we need our kids  
to help us decipher.



Indeed, the stark reality is that we have become  
far more visually - oriented than our Elizabethan  
brethren. A stroll down Times Square tells the story.

My relationship to Shakespeare is that he's very  
inclusive and that he writes things in a way that we  
all wish we could express.

When you have someone who can explain exactly  
what it feels like to fall in love or to lose a loved one  
– these heightened emotions that every human  
being experiences – and explain it in a way that  
you respond, “Yes, that’s it exactly,” that’s amazing.



And heightened emotions  
are at the very core of the  
cases that we fight from  
the man who has been  
accused of committing a  
crime to the woman who  
has been seriously injured  
in a car accident.



Part of the reason why people find Shakespeare distancing is because of how it has been taught and the heightened language which at first blush, sounds elitist.

However, what Shakespeare's actually doing is explaining clearer than anyone else has in literature the most difficult emotions and feelings to put into words. And he does it with such clarity and imagery.

If we are to be zealous advocates for our clients, there is no better time than now to travel back in time to the Elizabethan age and learn the tools and devices that made William Shakespeare the greatest dramatist of all time.



So we must learn to harness the tools that the actors of Shakespeare's day used to move audiences, chief among them the power of rhetoric. In this presentation, I will attempt to do just that.

Our starting point is the advice that Shakespeare, through Hamlet's advice to the "players," gave to any actor who was bold enough to tackle his text:

"Speak the speech, I pray you, as I pronounced it to you, trippingly on the tongue: but if you mouth it, as many of your players do, I had as lief the town-crier spoke my lines. Nor do not saw the air ..."

"You must acquire and beget a temperance that may give it smoothness."

"Be not too tame neither, but let your own discretion be your tutor: suit the action to the word, the word to the action; with this special o'erstep not the modesty of nature: for any thing so overdone is from the purpose of playing, whose end, both at the first and now, was and is, to hold, as 'twere, the mirror up to nature;"

### A modern day interpretation of this famous text might read like this:

"Even in the heat of passion, you must beget a smoothness. Avoid over-stressing the words. Speak the speech trippingly on the tongue. Do not saw the air. Avoid hamminess. And aim for a natural, truthfulness — o'erstep not the bounds of nature. Speak true."

Hamlet's advice seems to be invaluable as a daily meditation not only for actors, but also for lawyers.

This a powerful reminder of what lawyers are called to do everyday when they are advocating for their clients.



**In the twenty -first century, we face the challenge of marrying the Elizabethan tradition with our modern tradition.**

If you are doubtful that it can be done, then look no further than the “Hip -Hop Shakespeare Company” and its founder, Akala, who demonstrates and explores the connections between Shakespeare and “Hip -Hop” in a jaw -dropping, never seen before, way.

In marrying these two traditions, this presentation will extend beyond the Bard and explore those techniques used by great wordsmiths from songwriters to storytellers and orators whose voices and words resonate with truth.

**Buckle up and get ready for a wild ride!**



# Hip - Hop Shakespeare

# Truths About Shakespeare



## ➤ Metaphorical language

Elizabethans very much depended on the spoken word, the use of the word, the word as food, which they used much more sensually, in the sense of almost eating the words. Today, we are much more visual due to televisions, flat screen televisions, and iPhones.

Shakespeare understood that when we argue, we speak in rhythm. In anything that means

something to us and that we're passionate about, we use rhythm. It's not an intellectual thing. It's

entirely human to use rhythm.

In Shakespeare's world, characters existed on a scale of emotion. Anything that a character thought and felt was vocalized. This means that rhythm is always connected to the character's feeling and thought process. Therefore, in order to inspire, every character must have a concrete relationship to rhythm. At the same time, a character's rhythm could betray their feelings. More about that later.



Characters in Shakespeare have a deep desire to get to the root of a problem. Very simply, they are desperate to find answers. It is for this reason that they rarely lose their intention to speak and that, as impossible as it might seem, they are always attempting to fit words to an experience.

**We still practice this today. It's why people go to therapy.**

It's very common for characters to compare two things so that they can figure out where they fit.

Here, the value of things are often pitted against each other.

**Shakespeare dealt with three types of value:**

- Intrinsic (friendship, honor, loyalty);
- How useful something is; and
- Market value

**Of these three, intrinsic always tends to be in conflict with market value.**

Iago plays the intrinsic value of befriending Roderigo to the audience. But in actuality, Roderigo represents nothing more than market value to Iago because Iago is extorting him for money.

Juliet is only valued by how useful she is. Her family perceives her as a “use” in the sense that they want her to marry into a wealthy family so that they will have more.

Juliet’s nurse, on the other hand, gives Juliet a more intrinsic value.

Shakespeare writes his characters in opposition to one another. For example, Romeo is introduced

free of guidance (“Where’s Romeo..?”) and has the freedom to be incredibly verbose. Juliet, on the

other hand, is obedient and says what she needs to say in as few words as possible, until she meets

Romeo and realizes that she has a world of choice.

➤ Even when a character is speaking a soliloquy, there is opposition, albeit not with another character but with the audience.





As such, actors are taught never to approach their character in isolation. A character never exists in isolation and never will. Just as in life, a character behaves differently around one person than he does around another. Juliet is different when she is with Romeo than when she is with the nurse, her mother, or her father.

It is for this reason that actors are taught to look for how their character is different from every other character he or she encounters.

The freedoms that two characters are denied often becomes a magnet that attracts them. Juliet doesn't enjoy the same freedom of self-expression that Romeo does. Romeo chooses Juliet because the Capulet world is the only world that he is excluded from.



Hamlet has freedom of thought but is trapped in the castle and unable to grieve.



Shakespeare knew a lot about human nature. One thing that is consistent about his characters is that they are consistently contradictory. For example, Juliet in Act 2 is very different than Juliet in Act 1. A character will always change because a play, like a trial, is about something massive.

Similarly, we're not the same person all day long. I'm a very different person in the morning before

I've had my first cup of coffee than I am when I walk out of the courthouse at 4:30 after a long day.

Therefore, as actors, we are taught to meet our characters scene by scene and to present them

moment to unanticipated moment and to allow the audience to do the rest. This is hard to do

because we want to create lovely links between things.

The brave thing to do is to take your character at his words in every scene you encounter him in.

Shakespeare's characters are met by situations that reveal their true character. Juliet is met by the situation of marriage.



Shakespeare was not massively interested in creating backstories for his characters. Instead, he was interested in characters that started and ended within the play that he wrote and that the audience was watching.

There is very little subtext in Shakespeare. Words mean what they say. Thus, the focus becomes the language itself as opposed to uncovering any hidden meaning underneath the text. Delivery of text and tone of voice are paramount.

**Tone is something actors can play and that gives them freedom.**

When it comes to tone, there are four main choices that every character has a connection to:

- > Formal Tone
- > Informal Tone
- > Performative
- > Felt (i.e., Is it sincere and earnest?)



You learn who your character is by what tone they adopt in different circumstances.

For example, Richard II is an incredibly performative character. When he says, “Let’s talk of graves and worms and epitaphs . . .” he is telling everyone that he is not really an actor any more.

He is felt. He is a real person.

**Villains are incredibly performative. Ironically, when Iago’s performance is discovered, he stops talking. The curtain has come down on his performance.**

Every image that a character has provides further insight into their inner world. This reminds us that

Shakespearean characters don’t exist in a poetic vacuum.

They have an exchange of shared imagery that makes them more connected.



If a character was sad or melancholy, they would attach an image to their sadness to make sure that the other person could see them the way they wanted to be seen or so they could evoke the right amount of empathy and compassion .



- But they are not just describing that they are sad.
- In Shakespeare, we stay away from describing things.

For example, “O that this too too solid flesh would melt, thaw, and resolve itself into a dew.”



Hamlet uses these words to paint an image in the audience’s mind of just how depressed he actually is. The hope is that the audience will respond, “I get it.”



Shakespearean actors rarely ask the question, “Who am I?” when approaching a new role. Instead, they ask, “Who does my character want to be?” and “Who is my character afraid of being?” This is what connects the character to their world.

When Henry V was rallying his troops on St. Crispin’s Day, he wanted to be inspiring and a hero. He was afraid of being a coward.



In the balcony scene, Romeo wants to be romantic and is afraid of being boring.

Shakespeare knows how to get an audience involved. Example: “But soft, what light through yonder window breaks?”

Instantly, the audience knows that they must be quiet.

The reason why this is the most romantic scene in the canon is because Shakespeare has gotten the audience involved.

Thus, a character is always in flux with two things as opposed to being one singular thing. In every line and in every exchange, you can ask this question. All humans are like this.

Sometimes, a character is propelled much more by what they fear they are than by what they want to be.



You don't know what you're saying until you know who you're saying it to.

“Thou know’st the mask of night ...” Juliet doesn’t know what she’s saying until she knows that she’s speaking to a Romeo that needs to be calmed down. The meaning of her words is based on action. Before she says this, she needs to see a Romeo who is chaotic.



What does your character see that makes them speak?

Every line of text that is spoken is designed to change something in the listener.

If an audience hears a list being made, they're more able to follow along.

- Each comma is an invitation to accelerate or top yourself. It's a matter of thought. Thus, commas contain energy.
- Colons and semi-colons are brief suspensions that are never the end of a thought, but instead the extension of a thought.

**Example: Corin from "As You Like It"**

"Sir, I am a true laborer; I earn that I eat, get that I wear; owe no man hate, envy no man's happiness; glad of other men's good, content with my harm; and the greatest of my pride is to see my ewes graze and my lambs suck." (As You Like It, Act 3, Sc. 2.)"

Elizabethans acknowledged separation of body and soul. There was always an internal and external conflict.



Elizabethans embraced a hierarchy of order. It began with God, then Angels, then Man, then Woman, then Animals, then Vegetation, and then Stones.

Thus, “You blocks. You stones” as uttered by a character in one of Shakespeare’s plays was the most insulting thing that he could say.

That frame of order is challenged.

For example, in Richard II, Bolingbroke challenged the frame of order because he wanted to become king. But Richard II, as king, was considered to be God’s anointed one on Earth.

Investigate the context in which the speaker is speaking. What’s driving this speech?

- Sometimes the person’s brain is driving the speech.
- Sometimes the person’s heart or gut is driving the speech.
- Some speeches are in a speaker’s control.
- Some speeches are outside of a speaker’s control.



Speeches are meaning delivery systems spoken to another character on stage or with oneself or with the audience. The speaker is always trying to communicate something to somebody.

Sometimes, it's the speaker talking aloud to himself in order to figure something out.

Shakespeare incorporates a ton of meaning into the sounds of his words. Not just the meaning of his words, but the sounds.

This is what I like to call, “marriage of sound and sense.”

What about the rhythm of thought? Shakespeare was clever about making the character's thoughts dynamic. Every character in Shakespeare is a dynamic thinker.

- Words mean what they say (little, if any, subtext)
- Irony
- Depth of emotion
- Need to speak in order to exist
- Pleasure in speaking and making sound

# Common struggles faced by Shakespeare & Lawyers

Shakespeare faced some of the same challenges as those faced by lawyers.



First, because Shakespeare's audiences consisted of two classes of people - the aristocracy and the common folk - his words had to be accessible linguistically for both classes. And he succeeded.

There are a myriad of examples in his writing where he'd use "high -falutin" words followed by common words with more specificity so that the commoners would understand. It's like a "code switch" in action.



Example: “O what a rogue and peasant slave am I.”  
**Rogue** Meant for royalty **Peasant** Meant for the commoners or “Groundlings”

Why is the second always better than the first? It's more specific!



Second, criminal defense attorneys can take solace in the fact that no matter how dire the situation, Shakespeare's characters always believed that they were making their situation better by speaking.

No matter how badly they were losing or how downward their trajectory, there was something good about naming it. Indeed, they'd cure the “disease” by speaking.



Thus, there is always an optimistic vein to a character's words.



From this, we can learn that we're making the situation better by speaking, except of course, when we ask the “one question too many” on cross -examination!



In fact, I'd argue that Hamlet's own words demonstrate that the only thing worse than being stuck in an insufferable situation is when it is left to fester inside you without being able to let it out: "It is not nor it cannot come to good: But break, my heart; for I must hold my tongue."





# The Last Seven Minutes

Pretend that you're watching a performance from an actor that really engrossed you. It captivated you. It pulled you in as you watched the character going through the story. What was going on with you?

Great, gritty performances take the audience on a journey.

The brilliant director, William Ball, summed it up like this: When all of the actors believe in what they are

doing and all members of the audience believe in what they are witnessing, we have all “component

parts” believing something at the same time – all component parts are in harmony and there is “unity.”

Let's draw our attention to the last seven minutes before a three-act play comes to an end. Seven

minutes is an arbitrary length of time, but we'll use it to represent an experience that frequently occurs a few minutes before the final curtain.

But let's work up to this point from the beginning.



The curtain rises for the first ten minutes. The audience is curious, distracted, detached. And even skeptical. They're thinking, "You can't draw me in. I know the scenery is fake. I know the language is artificial. I know I'm holding a program. I know I may have to fight for control of the arm rest. I know I just had dinner. I know my objective reactions for what I see. I know it's a story, a fabrication. And I know I'm separated from the action. I don't believe it."

But gradually, curiosity and then belief draw the spectator away from disbelief.

And during the first act, moment by moment, the spectator begins to believe what the actor is doing. He's still aware of himself, aware of his comfort, aware of his recent past, aware of critical evaluation of the performance.

But once in a while, the spectator is drawn into the belief that the actors really mean what they are saying.

In the second act, belief draws the spectator in further. His curiosity begins to take over. His doubt slowly gives way and he's drawn further into belief. Now and then, he finds himself involved.



For two or three minutes at a time, the spectator finds himself captivated by the actors and by what they are saying and doing. He even believes them to be who they say they are.



Then, towards the end of the second act, the spectator relinquishes more control. Without realizing it, he finds himself believing a prolonged passage just before the fall of the second act curtain.

During the intermission, the spectator is eager to learn how the third act will be resolved. He returns to his seat. His belief in the action is almost continuous. He believes the actors to be who they say they are and he believes they mean what they're saying. He believes they are in the trouble they say they are in and believes they feel true emotional distress.

Relentlessly, the spectator's belief draws him further under the "spell."



And without any noticeable transition, he believes himself to be the character that he is watching. He has relinquished critical judgment and abandoned “self.” He has become “lost” in the play and his belief systems have conquered him completely.

- He believes himself to be in the same danger that the actor is in.
- He believes that he and the actor are one.
- He believes that he needs what the actor needs. He hopes for what the actor hopes for.
- There is complete identification between the spectator and the actor.

Now the spectator is drawn into a few moments of what we might call, “complete absorption” – a period of partially unconscious experience. That’s an important characteristic of what we have referred to as the last seven minutes.

In fact, for one spectator, it may be only 30 seconds or a minute. And for another, the period of deep absorption might be as long as 20 to 30 minutes. For purposes of this discussion, we’ll assume that the experience lasts an average of seven minutes.



A good way of remembering this is to think of the last seven minutes of your treadmill run.

How can we replicate the last seven minutes for our jury so that they can have the same experience as a theatergoer? Through story.



# Tips for Building Credibility with the Jury



- ▶ Don't be clever;
  - ▶ Never lie;
  - ▶ Don't hide;
  - ▶ Always be transparent.
- 

In acting, we practice radical honesty with ourselves. The idea being that the more honest that we can be with ourselves, the more honest that we can be with others, from our scene partner to the audience. This could not be any more true than in the courtroom when we are standing before the jury. It is for this reason that I find this practice to be essential for trial attorneys.

Integrity is why many lawyers will concede at the outset whatever is true even if it is detrimental to

their case

Why? As Gerry Spence says, "A concession coming

from your mouth is not nearly as damaging as an exposure coming from your opponent's."

# Inside the Minds of the Jurors

Let's begin with a simple truth: jurors are not blank canvasses upon which we can paint. Nor are they sticks of clay that can be molded into whatever shape we desire.

Jurors arrive at the courtroom with their own experiences, “handed down frames of reference,” and biases.



No matter how many times the judge instructs them to view the evidence objectively and dispassionately, jurors routinely measure the validity of what they hear against their belief systems, attitudes, life experiences, backgrounds, values, education, and training.

A story is not believed unless it is complete, internally consistent, and conforms to the jurors' notions of common sense.



What does this mean for the lawyer? We must be able to address disparate jurors and tell a story that will impart a single perspective to the entire jury, a narrative framework for them to view the evidence.

The possibilities are endless. If your story rings true to the jurors and influences their frames of reference, they will interpret the evidence to fit your case. When this happens, it will be difficult for the jury to see these same facts through a competing account of what happened. Witnesses will be viewed in the context of how they provide validation of your story. And witnesses who contradict your story will be viewed with a healthy dose of skepticism.

As trial lawyers, we must change our way of thinking by learning to accept what we once rejected and to take up what we once set aside — the human drama: how the experience was lived and felt by the people involved.

The attorney who can leave the jury thinking, “I may not have done what Bill did, but I can understand why he did it” is a mere heartbeat away from victory.

# Shifting Sands – How I View “My” Jury

We need to change the way we think about jurors. I used to fear them and think that they were my enemy as if they were out to get me. But they really aren't. Even if you're representing Genghis Khan, the jury doesn't want to see you fail. While they might not be as kindred as a dear friend, they may still be rooting for you, often when you least expect it.

Think about it. How many times have you walked into a live theater and said to yourself, “I hope this actor falls flat on his face?” You paid good money and you want to be entertained so that you can't forget about life for a while. Soo too does a jury.



I now view the jury as my friends and that allows me to notice them and make eye contact with them during the trial without being ashamed. It's also helpful to refer to them as “my jury” instead of “the jury.” This helps to personalize them.

# The Language of Opening Statement

“A picture is worth a  
thousand words.”



- Use Standard English
- Use Powerful Imagery
- Stick with the action – avoid abstractions
- Emphasis and Impact Devices
- The Power of Silence
- We have five senses, not one

The language used in opening statement is different from the abstract and general language used in everyday life.





1) Use standard English: vivid, plain, simple language.  
Ease the legalese.

■ Use concrete, not abstract language.

■ Use specific, not general language.

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2) Use power language.

■ We want our words to sound like we're telling the jury a story.

■ Remove qualifiers like "I think," "I believe," and "I will attempt to show ..."

■ Use the active voice.

■ Use language that has appropriate emotional content and appeal.

■ Rely on nouns and verbs. Nouns are nothing more than words used to identify a class of people, places, or things.

■ What's ironic about nouns and verbs is that these are also the "operative words" in Shakespeare's plays.

■ Operative words are the essential words in a thought, without which the thought would not make sense. They are a single word that contains within it an idea, an action, or a significant thing.

# Power Language

In order of importance, first is action verbs, second is significant nouns, and third is **colorful** adjectives.



Action verbs receive the most stress, nouns a little less stress, and colorful adjectives a little less stress than nouns.

When it comes to verbs, stick to action verbs and leave out “to be” and “to do.” “Make” and “break” are usually keepers. Verbs are active beings — they can reach forward and back. It’s as if they have two arms.



Consider the prologue from *Romeo and Juliet*:  
“Two households, both alike in dignity (In fair Verona, where we lay our scene).”



The verb, “lay” is an action verb. It’s as if “lay” is reaching back to what was just said and reaching forward to “scene” at the same time. Lay is the nucleus of all this — the action of both lines.

▶ Highlight the words that fit into each category with a different color specific to that category.

▶ Here is how this might look in practice: “**Deny** thy father.” “**Doubtful** it **stood** .” This practice is helpful because it restricts actors from emphasizing every single word as many new to Shakespeare have a habit of doing. If every word is emphasized, then nothing will be emphasized and the entire meaning will be lost on the audience or jury.



# Words Not to Stress

Don't stress pronouns. They'll point the jury in the wrong direction for meaning unless you're comparing two or more ideas.

**Don't stress prepositions unless they are part of a two-word verb**

**like, "sit down."** Don't stress the word,

"not." Other negations not to stress are, "did not, could not, and would not." We hear negation so easily that these words have evolved into, "didn't, couldn't, and wouldn't."



Be picky when choosing which adjectives to stress. Otherwise, you'll be so descriptive and flowery that

people will miss the point. I lean into colorful adjectives only. A famous French author by the name

of Gustave Flaubert spent over six pages describing a living room in "Madame Bovary" much to the

chagrin of his readers. We hear descriptions so easily that they don't have to be stressed.



# Disclaimer

Of course, there are always exceptions and these are rules to be broken. But you must know the rules first before you can break them with the creative genius of a poet.

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# Shakespeare & Verse Language

Shakespeare's plays are precision - designed to be spoken aloud on stage. So there are many aspects of his writing that only manifest themselves when he's spoken aloud.

# Give Verse a Chance

The trouble is that when Shakespeare is spoken aloud, it's often akin to people reading scripture in a church.

**It can sound like dead language that's being recited or it can come to life all over again.**

Bringing words to life was something Shakespeare called, a "miracle."



For me, bringing "words to life" is when I process language through my body and it comes out from a genuine impulse of what I mean to say and it's then received by somebody who is changed by what I said.

This means that speaking Shakespeare well is a vital tool in understanding Shakespeare well and it means that verse speaking is a useful skill not only for actors, but for speakers of any kind who want to keep their audiences on the edge of their seats.

**Unfortunately, verse is hugely misunderstood.**



At the beginning, learning verse speaking can be uncomfortable for a lot of people. It's counterintuitive; like learning to lean down hill when skiing. And it can take people right out of their comfort zone.

**I personally felt obliterated. It seemed to be all technique and no heart. Or as if my instructor was telling me that my interpretation was irrelevant and that I should only focus on the notations of the verse.**

It took about a month to get the hang of it. And then, it was as if I had been given wings. Not only is good verse speaking totally exhilarating for the speaker, it's also electrifying for the audience.

It's the only means by which an audience effortlessly understands and follows one of Shakespeare's plays.

What I mean by this is that we pause in real life at irregular and irrational places just like verse's line endings. In addition, we stress words very differently when we're speaking from when we're reading something out loud. We speak in thoughts and not in sentences.

For example, when we're reading out loud we'll say something like, "If and only if ..."



First is architecture of the lines. Shakespeare mostly used a metric foot called the iamb, which sounds like “da dum.” The da-DUM of a human heartbeat is the most common example of this rhythm. Thus, iambic pentameter imitates the heartbeat of life.

**And he uses it five times in every line to make an iambic pentameter.**

iambic pentameter describes the rhythm, or meter, established by the words in that line.

“Iambic” refers to the type of foot used, here the “iamb,” which indicates an unstressed syllable followed by a stressed syllable. “Pentameter” indicates a line of five “feet.”

An iambic foot is an unstressed syllable followed by a stressed syllable. The rhythm can be written as: da  
DUM

**A stressed syllable is denoted by “/,” or a sword.  
An unstressed syllable is denoted by “u,” or a cup of hot cocoa.**

A standard line of iambic pentameter is five iambic feet in a row: da DUM da DUM da DUM da DUM da DUM

Example from Sonnet 12: “When I do count the clock that tells the time”

Once we know about stress, we can see that many words and phrases in English naturally fall into iambs.

For example, the following phrases are iambs: “Let’s go and get a coffee now, okay?” or “I went to school to see the dancing bear.”



Shakespeare designed lines with five iambic feet for a reason. Shakespeare chose the iambic pentameter as the perfect adaptable vehicle for his dramatic poetry. In this way, it was intended as a springboard to launch the actor into something profoundly human and not a straight-jacket to hinder them.



But in life, we tend not to hit these words in that very powerpoint-presentation sort of way.

**Verse takes us away from the powerpoint -style and into something that is lighter, smoother, more persuasive, and from the heart.**

It gives you the chance to speak with the rhythm of someone who means what they say as opposed to someone who is declaiming rhetoric.

For these reasons, I like to think about verse as unlocking psychological truth — i.e., the real way we construct thought — as opposed to the way we recite speeches.

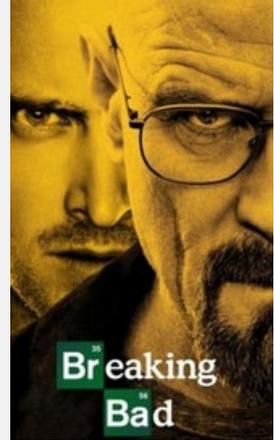
Superb verse speaking delivers these astonishing plays in all of their glory.

The rules of verse speaking are a bit like musical notation. They're called rules because there is not much point in breaking them.

For example, if you try to play a triplet where Bach has written two minions, you might make a lovely noise but you won't be playing what Bach intended.

# Breaking Verse is NOT Bad

To me, the meter is the single most important key to unlocking all of Shakespeare's characters. It is the cornerstone of his dramatic power and the first principal of verse speaking.



Shakespeare uses the changes in meter to reveal the minute changes in emotional and psychological temperature of his characters.

So, essentially, it's not the iambic pentameter that is the secret to Shakespeare's verse. It's where it falls apart. Shakespeare sets up the beat at the beginning of the play and almost immediately the audience's ear settles into the flow of the rhythm and comes to unconsciously expect it as you would when listening to a Waltz. You anticipate the next phrase of music unfolding.

So, the instant the meter is broken as a character's emotion pulls them off-balance, and they flip into a trochee, or a spondee, an anapest, or a line becomes too short or too long, the audience feels the change viscerally, physically, and emotionally.

In other words, when the heart flips backwards on its beat, or when it skips a beat, or when it shares a line with another character, these are all little clues for

us. And the effect is delivered as fast as the speed of light. The audience feels the shift in the emotional landscape, adrenaline rises, hearts flutter.

So, rather than displaying his skill by writing an entire play strictly to his beat, as Moliere did so artfully, Shakespeare allows the beat to frequently crack apart and reveal a messy, disobedient, inconvenient aspect of a character.

He then restores the beat so that it can fall apart again, and again, and again.





As actors, we're asked to fit our lines into the iambic pentameter, and if a line won't fit, to role it around in the mouth and feel why not.

Is the character too exasperated to keep within the bounds of a reasonable, steady beat? Is she too fearful? Is he too angry, desperate, or in love? The meter is the bedrock of any interpretation.



Sometimes, one can be playing a part on stage for weeks observing a rhythm change carefully, before the psychological reason becomes clear. But there is always a reason!

## Example of Breaking Verse

Once again, breaking verse is normally a clue to how the character is feeling or what's going on in the scene — it is usually reserved for heightened circumstances.

The line, “Once more unto the breach dear friends once more or close the wall up with our English dead,” uttered by Henry V breaks iambic pentameter. Here's how the stresses come naturally:

The diagram illustrates the stress pattern of the line: "Once more unto the breach, dear friends, once more, Or close the walls up with our English dead!". The text is presented in four lines. Above the first line, there are five stress markers: a dash (unstressed), a dash (unstressed), a double downward-pointing chevron (stressed), a double downward-pointing chevron (stressed), and a dash (unstressed). Above the second line, there are four stress markers: a dash (unstressed), a dash (unstressed), a dash (unstressed), and a dash (unstressed). Above the third line, there are five stress markers: a downward-pointing chevron (stressed), a dash (unstressed), a downward-pointing chevron (stressed), a dash (unstressed), and a dash (unstressed). Above the fourth line, there are five stress markers: a downward-pointing chevron (stressed), a downward-pointing chevron (stressed), a dash (unstressed), a downward-pointing chevron (stressed), and a dash (unstressed).

# Give Verse a Chance

There are seven strong stresses in the first two lines.

What is Shakespeare doing here? Well, we can ask ourselves what Henry V was doing. What's his intention? To persuade his soldiers to go back into the breach – a tired, out of breath leader desperately trying to rally his men. The strongly over-stressed lines reinforce this.

The point is that blank verse is neutral. Shakespeare gets his dramatic effects by setting up a norm and then significantly breaking it. Where he breaks that norm, an added stress is provided.





# Monosyllabic Words and Lines

A monosyllabic phrase is, among other things, a verbal stage direction to the reader or the actor to slow down. This way Shakespeare forces the reader to bring attention to the words, which are intended to be read in an even, deliberate tone.

When it comes to speaking monosyllabic lines, a good practice is to slow down.

Monosyllabic words tend to be emotional while polysyllabic words tend to be intellectual.

Here are a few favorite monosyllabic phrases:

**Hamlet:** “To be or not to be”

**Othello:**

O my soul’s joy!

**Julius Caesar:**

Lend me your ears.

**Henry V:**

O for a Muse of fire



# Shakespeare & the Construction of Thoughts

- “I think therefore I am.” - Descartes
- If characters are what they think, then how they think is very important to get to know who they are.
- Shakespeare was clever about making the character’s thoughts dynamic. Every character in Shakespeare is a dynamic thinker.
- Thoughts are physical in Shakespeare. What I mean by that is that a thought is always the thing that moves a character. This is so in everyday life too.
- For example, when a person has an exciting thought, he might leap for joy or “high -five” a friend. We are all characterized by our thought process.
- Therefore, it’s useful to examine a character’s rhythm of thought by finding ways to physicalize that thought process.

Let’s begin in the simplest place by asking the question, “How do we construct thoughts?”

Shakespeare relied upon a recognizable thought pattern of lift, balance, and parentheses to make a character’s thought process so dynamic. Look no further than the measured thought process of Hamlet.



When you launch off on a thought, you have an agility to thinking and you have an idea of where you are going to end it. The thought starts and travels over several lines. The longer the thought, the more likely it is connected to feeling.

Very simply, when we allow our thoughts to flow, emotion automatically attaches to them. Short thoughts, on the other hand, contain little feeling.

For example, Hamlet has five thoughts to navigate through the opening question, “To be, or not to be?”

As a general rule, in life when we are expressing ourselves, each new thought that we have is better than our previous thought. Shakespeare knew this all too well. Every new thought that a character has is better than the previous thought. Each thought gets more specific. You’ll never find a thought that gets more general. Shakespeare does this in every speech.

And it makes sense. We don’t want to watch Hamlet get more confused in the “To be, or not to be” speech.



# Verse Speaking in Court

Recall that when we argue, we speak in rhythm. Therefore, it follows that we must have a concrete relationship to rhythm in order to inspire and persuade.

I'd argue that verse speaking is one of the most potent linguistic rhythms for oral argument in the courtroom. I think that there are opportunities for us to be just as creative with “breaking” verse as Shakespeare was in order to stress how important something is to the jury or to add further emphasis to a point during cross -examination or closing argument.

Here is a summary of the benefits derived by actors who work with iambic pentameter that is just as relevant to us, as lawyers.

- First, because iambic pentameter imitates the rhythm of life – i.e., a heartbeat – it is intrinsic to us as humans. It is also intrinsic to many forms of music, including Hip -Hop. Thus, this simple rhythm serves as a mnemonic device making it easier to memorize lines.



- > Second, because blank verse approximates more closely than any other verse form to our natural, everyday speech, it makes a pattern on the page which is easier for the mind to absorb.

In other words, the rhythm makes it easier to understand what is being said.

- > Third, it's full of directorial hints.
- > Fourth, because verse is more economical than prose, it's likely to be more concise and particular and exact.

Indeed, the efficiency and economy that is a trademark of verse allows a person to be able to express a lot in fewer words due to its compression. This is helpful for us as lawyers, especially when we are marshalling the facts together, applying the law, and making persuasive arguments during closing.

- > Fifth, because verse has a rhythm and a flow, it helps us to communicate feeling.

And of course, in storytelling and all communication, tonality, the way you say what you're saying, the mood with which what you're saying, the rhythm with which what you're saying, is as important as what you're actually saying. For this reason, it's more

attractive to the jury to listen to and helps the lawyer to hold the jurors' attention.

- 
- Sixth is a subtle but important page that we can take out of Shakespeare's playbook. In American culture, the vast majority of people unconsciously allow their voices to trail down and dwindle at the end of a line.

The harsh reality of this is that when all of the energy and vitality pours out at the end of a line, the voice droops and the audience falls asleep.

In Shakespeare's writing, the end of a line is where the juiciest fruits lie hidden. As such, Shakespearean actors are trained to sustain a line by pushing the intensity of thought right through to the end, tending almost to an upward inflection if a natural one can be found.

In fact, the phrase, "Go up at the end of the line" is an admonishment NOT to swallow that final syllable, especially since regular iambic pentameter wants the actor to land on the stress.

This is the slowest and most challenging process when learning how to verse speak.

As the great Judy Dench once said, "The energy that is needed is in the lines. Use the words to drive you to the next thought, and then the next, to the conclusion. No need to contemplate any speech's meaning and lost the energy when it's as clear to the character as he or she works through it. The energy is in the words. Use the text to keep the energy of the character."



This doesn't mean go FAST – this just means that you should speak the thoughts the character has, not before or after them.”

The same is true with lawyers. I have witnessed firsthand lawyers with incredibly impactful endings to their thoughts and arguments allow their voices to trail off or to swallow their words as if they are uncertain of what they just said.

**The result is that the remark is lost on the jury.**

**Finally, don't forget to take a breath!**

Taking a breath helps to stay present in your words and think them through. It helps to keep your presentation fresh and alive and real.

Just like Shakespearean actors, lawyers have to be quick on their feet and think with great alacrity. It is a thorough brain workout.

After having spent so much time talking about verse, for those who wish to play with it, I'm asked how conscious one should be of it when up on your feet before a jury. My advice is to be “conscious” of it during preparation, but to throw it away on “game night.”

At the same time, totally ignoring it is not a good practice. Even if you choose not to follow it, you should at least be conscious that it is there so that your decision to ignore it is deliberate.



# The Language of Opening Statement

3)

Vary up the length of your sentences, but tend strongly towards short sentences. Written sentences are normally longer, clunky, and more complex than sentences delivered orally.

# Use Powerful Imagery

The setting: We may have to take the jury to the streets of an inner city such as Newark or Camden without ever leaving the courtroom in order to draw them into the re -constructed reality of a new and unfamiliar world.



The words we use can help the jury picture the streets of Newark.



Action verbs paint vivid pictures in our minds and avoid dull and empty abstractions.

Paint vivid word pictures by visualizing the scene in your mind's eye and then describing it in exquisite detail so that the jury can see it in theirs.



It's as if you're saying to the jury, "Let me *show* you what I'm thinking."

There is great power that comes from being able to see an event in detail.

The famous author Ray Bradbury recommends reading poetry, essays, novels, and comic books.

Anything that will touch us viscerally. The more you read, the more you can draw from.

Use of word pictures must be learned. Lawyers

intuitively speak in abstract and general terms.



This was not lost on Aristotle, who said: "When a speaker describes an event so vividly, in such detail, that it seems as though the event is happening right in front of them."



# Stick with the action – avoid abstractions !

Active or passive words tell very different stories.

“John fired the gun” tells a radically different story than “the gun went off in John’s hands.”

Decide which story you want to tell, and then use the appropriate active or passive tense.

Abstraction: My client suffered a broken leg.



**Criticism** : This tells us nothing. Tell them what it felt like to have a broken leg with the bone sticking through the flesh. Tell them how excruciating the pain was. How John could not make it through the night without being heavily sedated. How he clenched his teeth so much that he grinded two teeth down down to the gums. Tell them how John was confined to a bed for two weeks with a solid cast extending up from his ankle to his genitals. How he couldn’t walk for two weeks and how he had to use a bed pan to urinate and to defecate. Make the jury see it. Make the jury feel it. Make them understand. Make them care!

# Emphasis & Impact Devices

There must be emphasis to the extent that your points will dominate the conversation during deliberations.

Cases are lost because the jury does not know how important something is and does not remember the point.

As lawyers, we are very good at emphasizing the written word in our briefs through a variety of literary and stylistic devices such as italics, **bold - faced font**, and underlining.



However, we sometimes struggle to do with the spoken word what we do with the written word.

We must emphasize important points orally in the same way that we emphasize written words.

The challenge is, “How do we do orally what we do with the stroke of the pen (or the tapping of the keyboard)?”

[Redacted]

From day one of my acting training, I learned that an actor is like a composer: that what you read in the script is only the merest indication of what you have to do when you really act the part. After all, anybody can read lines.

Emphasis may be gained in a number of ways from outright telling the jury how important something is to harnessing the power of our voice. After all, you are your voice. And your voice is you.

Here, tone, voice inflection, pace, and silence are our tools.

**We'll discuss these in more detail.**

The starting point is to have a strong point of view, but that is only the tip of the iceberg. It's your point of view that makes you who you are.



- > For example, “What do you love? What do you hate?” These things engender strong feelings.
- > “I loved Lord of the Rings! I could watch it six more times.”
- > “Ben and Jerry’s ‘Heath Bar Crunch’ is my favorite ice cream.”
- > “I hate when my dog starts barking in the middle of the night.”

# The Voice

Now, if you're anything like me, your voice might need some work. One thing that I've learned over the years about my voice is that I tend to be slow and sustained, taking my time to emphasize certain words and to be precise, methodical, and accurate. I reason and I use logic.

This translated into a voice that was monotone and devoid of emotion. I was told that I could wring meaning out of words easier than poets could infuse feeling into theirs.

This evolved as a result of my need to be clear and precise when explaining things to my clients. Clarity of thought was critical.

However, this was a “turn off” to the jury. And the last thing I wanted was to put my jury to sleep, especially when there are important things that I want them to hear.

It also prevented me from playing some of the characters that I've always dreamed of playing from the world of Shakespeare.



I shook things up so that I would not be boxed in to one way of speaking and expressing myself.

In drama school, we receive tons of voice and speech training. There are some principles that I am going to introduce you to that will help you to expand your vocal range.

The more expansive your vocal pallet, the more interesting and persuasive you will be.



Step one in the process is to have a self-awareness of what your habitual patterns and natural tendencies are. Before you can effectuate change, you need to know what you're already doing well. Only then will you know what needs work. Of course, what comes easy to you should remain untouched. Instead, focus on those areas that are underdeveloped and that need practice.

For example, I learned that by quickening the tempo of my speech resulted in more urgency in my delivery. And that urgency instantly raised the stakes and infused my arguments with more passion, which had always been there but had never been expressed in that way.

# The Imagination

Step two is reigniting your imagination. I cannot emphasize enough the power of the imagination. It is limitless. No matter what occupation you're in, from advertising to practicing law, your imagination is your strongest ally. It is our birthright as human beings. As Emily Dickinson once said, "I dwell in possibility." What a beautiful way to capture the essence of the imagination!



How do we develop our imaginations? You can do this though daydreaming, reading a good book, a poem, or meditating. I love daydreaming. It allows me to tap into sub-conscious images and bring them up into consciousness just as if I had awoken from a dream that was still fresh in my mind. This allows you to tap into that wealth of the mind without walls, without boundaries, to fertilize your creative work.



I always go with the first image that pops into my head. That catapults my imagination into far deeper and richer places than if I were to try and control the direction of it. The idea is to let images flood into your mind without censoring anything, like a trailer to a “James Bond” film. For me, when I’m in this state, images of my childhood begin to emerge.

If you would prefer to read a book or a poem, take a few lines and read them out loud. What thoughts and images come into your mind? Let the words come out however they want to. Surprise yourself. Were there specific images that stirred something up inside you?



One thing that I’ve become acutely aware of is that if I am stressed out or carrying a lot of tension in my body, not only do I stop breathing, but I also stop listening and my imagination gets blocked. So taking a few deep breaths before you get started in order to ground yourself is a good practice. As my instructor once said, “Creativity needs space.”



# The Breath

I think it is helpful to focus on your breath. When we come into this world, the first thing we do is breath, so it should come as no surprise that the breath is a vital component of our speaking voice.



# Kristin Linklater

Kristin Linklater, one of the great voice instructors, puts it like this:

“There’s a desire to speak —an impulse. It runs down the spinal column and through the central nervous system galvanizing simultaneously the breathing mechanism and the laryngeal mechanism into an activity that creates a vibration which is immediately amplified by surrounding resonating surfaces into voice. At the same time the impulse activates movements of lips and tongue that deliver words.”

“Let go of the result. Commit yourself to the feeling of what you want to say. Feed in the desire to communicate that feeling. Release the desire into your breath and the vibration of your voice. See what happens.’ This is a commitment to causal thought. Voice and speech are the result of that causal impulse. Communication is a by -product of desire and freedom.”

There is a beautiful exercise that we do in acting to demonstrate the connection between the desire to speak and the delivery of words.



We are told to close our eyes. When a bell rings, we open them. A physical object or a picture is displayed. It might be a fruit, like an orange or a pineapple, or a picture like the sun setting over the beach, a tiger in the wilderness, or a wolf howling at the moon.

Upon opening our eyes, we are told to take in that image, let it feed in an impulse to speak, and then to name the image by infusing your voice with any of the subconscious images that it triggered in your mind – without censoring a thing. For example, with the image of the wolf, one might say, “Lone wolf.”



We then close our eyes again and wait until prompted to reopen them again for the next object or image.

# Tips: Emphasis & Impact Devices

# 1: There is music in speech. By adjusting the pitch and vocal inflection of certain syllables in important words, shortening your sentences, slowing down the pace, pausing to allow for important points to “sink in,” you will draw the listener in.

# 2: Don't overlook the mannerisms and phrases that you use to convince people in everyday life. These will bring you closer to the goal of being real and natural in front of the jury.

“To become more successful, you do not have to change who you are – you have to become more of who you are.” Sally Hogshead



Here's a short story from my personal life to underscore this. I was asked to give a cold read and the script contained the line, “Oh, I forgot.” I gave a straight forward but uninteresting reading of these words.

[REDACTED]

But when I thought about it, I realized that that was not how I would personally react to forgetting something, especially if it was important. I then put my trust in my body since it never lies. Instantly my fists went to my temples in a moment of painful recollection.

A long *pause* followed during which I realized that it was too late now and that I must make the best of it.

Finally, almost with a shrug of my shoulders, I casually said, “I forgot.”

# **3**: Voice work is an often overlooked but invaluable tool for the trial lawyer. Simply put, it will help you free your breath, develop resonance, loosen jaw and tongue tensions and wake up your full vocal range. When this happens, your voice will drop into your body.



# The Power of Silence

## Why silence?

- ▶ There is no such thing as nothing – there is always something, even if it's as subtle as the sound of breath going in and out.
- ▶ Silence has a myriad of meanings. In theater, silence is an absence of words, but never an absence of meaning.



A word can be emphasized and a thought underlined by silence.

Silence has a certain energy to it like no other energy source. It has the power to get people to think and to act. It can help slow the mind down.

There is also a certain intimacy that surrounds silence. Indeed, it's the type of intimacy that is shared between two people who have a very deep and meaningful relationship. That might explain why no words need to be said.

# Meisner on Silence

“Silence has a myriad of meanings. In the theater silence is an absence of words, but never an absence of meaning.”

- **Meisner** : “A moment of silence is something, too. Let me prove it to you. Ask me whether I think you have talent.”
- **Student** : “Mr. Meisner, do you think I have talent?”
- Meisner’s head cocks away from the student and he maintains complete silence. The class begins to laugh.
- **Meisner** : “That was silent, wasn’t it? My silence was very expressive.”

The trouble with silence is that it can make people feel uncomfortable and alone, that’s why the world is filled with TV’s that have been left on when nobody is watching, for background noise.

Because of how uncomfortable silence can be, many people feel the need to fill the void of silence with needless chatter.

The rapid, close, unbroken delivery of words cause ideas to become blurred and to recede into common noise.

Returning to the voice, another way of expanding your vocal pallet is through movement. Everything in life is movement. This is not just a slogan for somatic practices. Even something as small as the flutter of an eye or an incoming breath involves movement.

This could not be any more true than in theater or film. When someone acts in theater or film, because it's a visual medium, they are being seen and heard by an audience. As such, their physicality reveals so much, especially when they are in extreme states.



But even when someone is still, that still communicates something to an audience. In fact, stillness might even communicate something more significant than a large physical gesture.