



PROGRAM MATERIALS

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Litigation Series: Session 12 - Make Your Words Sing: Shakespeare's Secrets for Lawyers, Part 2

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www.celesq.com

5301 North Federal Highway, Suite 150, Boca Raton, FL 33487

Phone 561-241-1919



Michael DeBlis III, Esq.

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



INTRODUCTION



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

I am going to go deeper in this presentation and cover more ground than what is normally covered in the average storytelling for lawyers class.



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.”

The very essence of a trial is a story – the story of a human experience.

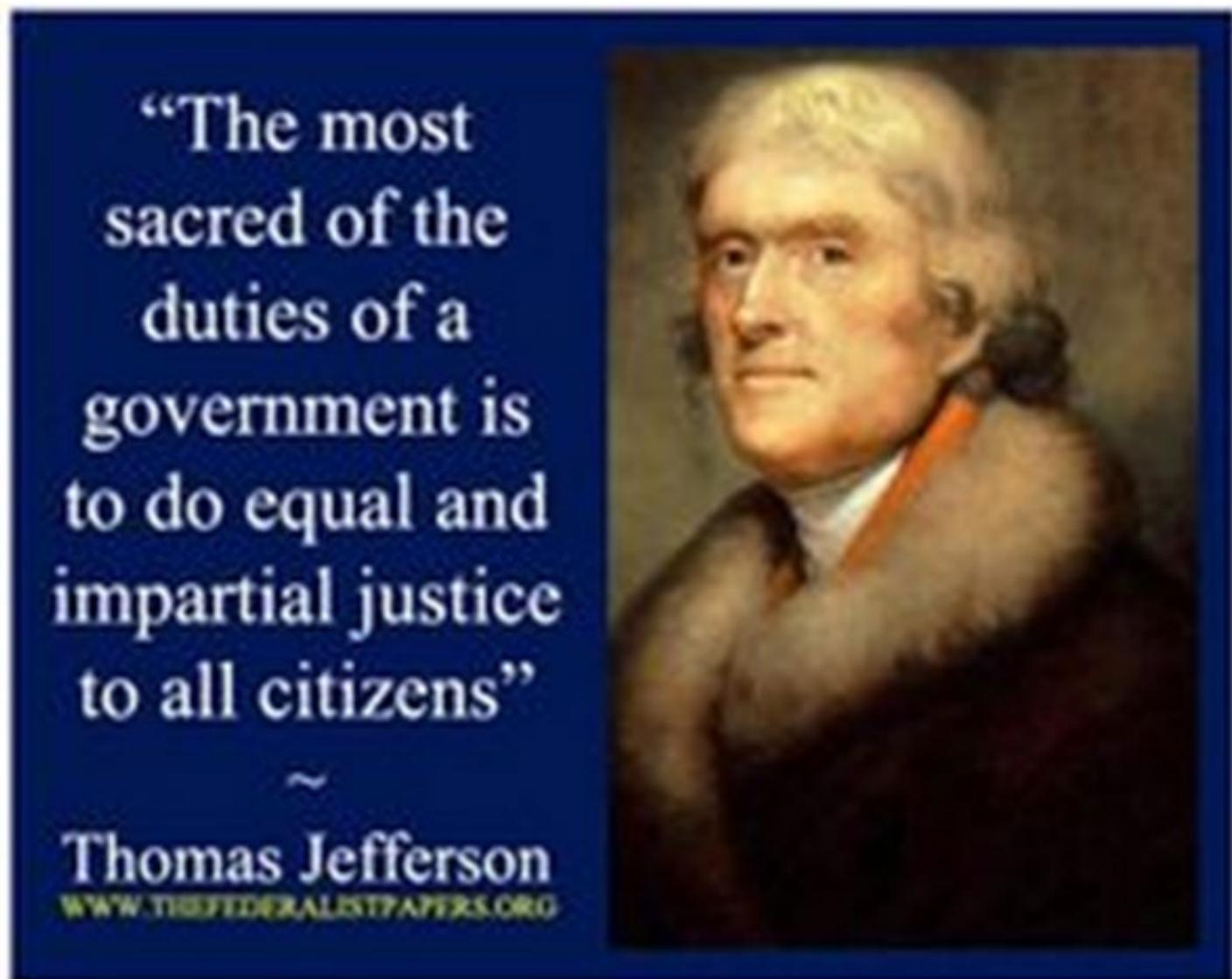
The goal of the attorney is to draw the jury into a reconstructed reality of past events, such that they “see” what happened, even though they were not present to witness the original event.



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.

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



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.



TOPICS

1. Why Shakespeare?
2. Hip-Hop Shakespeare
3. Shakespeare & Rhetoric
4. My Musings on Words
5. Truths About Shakespeare
6. Common struggles faced by Shakespeare & Lawyers
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TOPICS

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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 with an image in a way that you respond, “Yes, that's it exactly,” that's amazing.

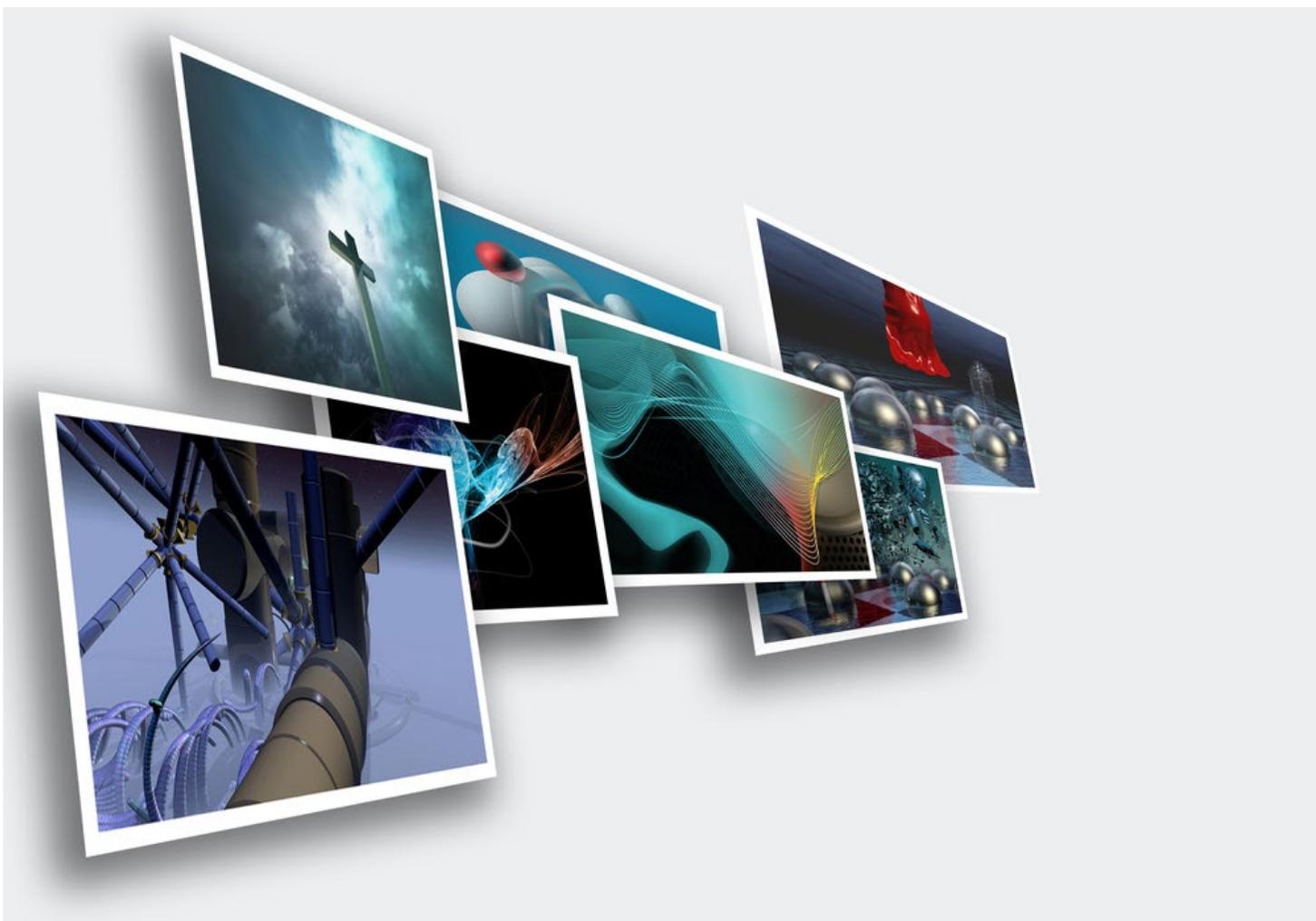


And heightened emotions are at the very core of the cases that we fight from the man who has been accused of committing a crime to the woman who has been seriously injured in a car accident.

A NOTE ABOUT IMAGES

Images are our first language. When you go to sleep tonight, images will arise. Because you've been alive for however long you've been alive, language will also be there, but your dreams are mostly imagistic.

And certainly before you learned language, your language was almost entirely imagistic. Our primary language is imagistic.



WHY SHAKESPEARE?

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



SHAKESPEARE & RHETORIC

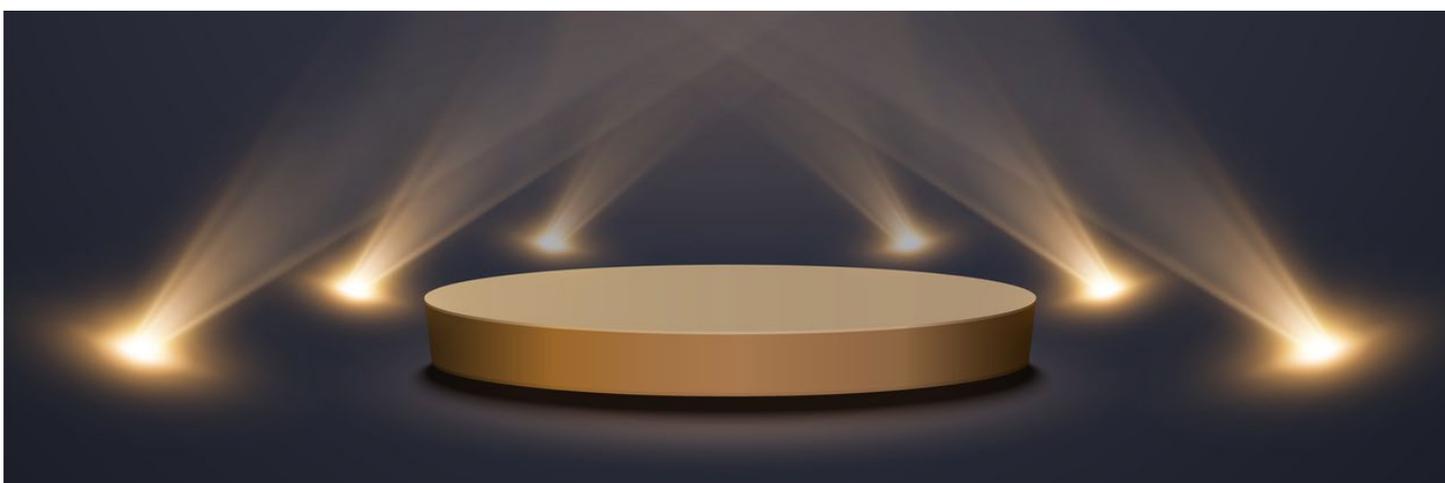
We must understand rhetoric and how to manipulate people with speech. As lawyers, this is our secret weapon. It's all in how we present the argument. Great leaders know how to do this exceptionally well. They know how to connect with an audience and get them to fight for them.

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.

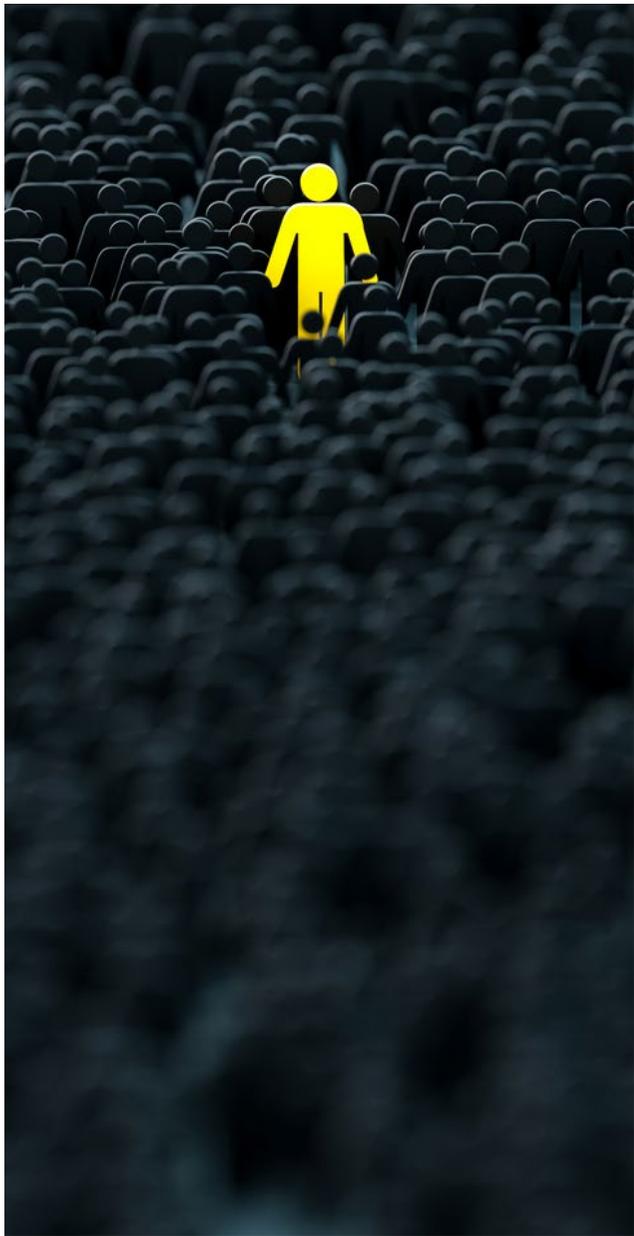
Let's set the scene. A crowd has gathered for Julius Caesar's funeral. Brutus, one of Caesar's assassins, has allowed Antony to speak provided that he would not blame him and the others for Caesar's death. A hushed silence descends upon the crowd. They know that Caesar was killed, but they want to know 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.

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.

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. Every fiber of Antony's being wanted to break their 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.

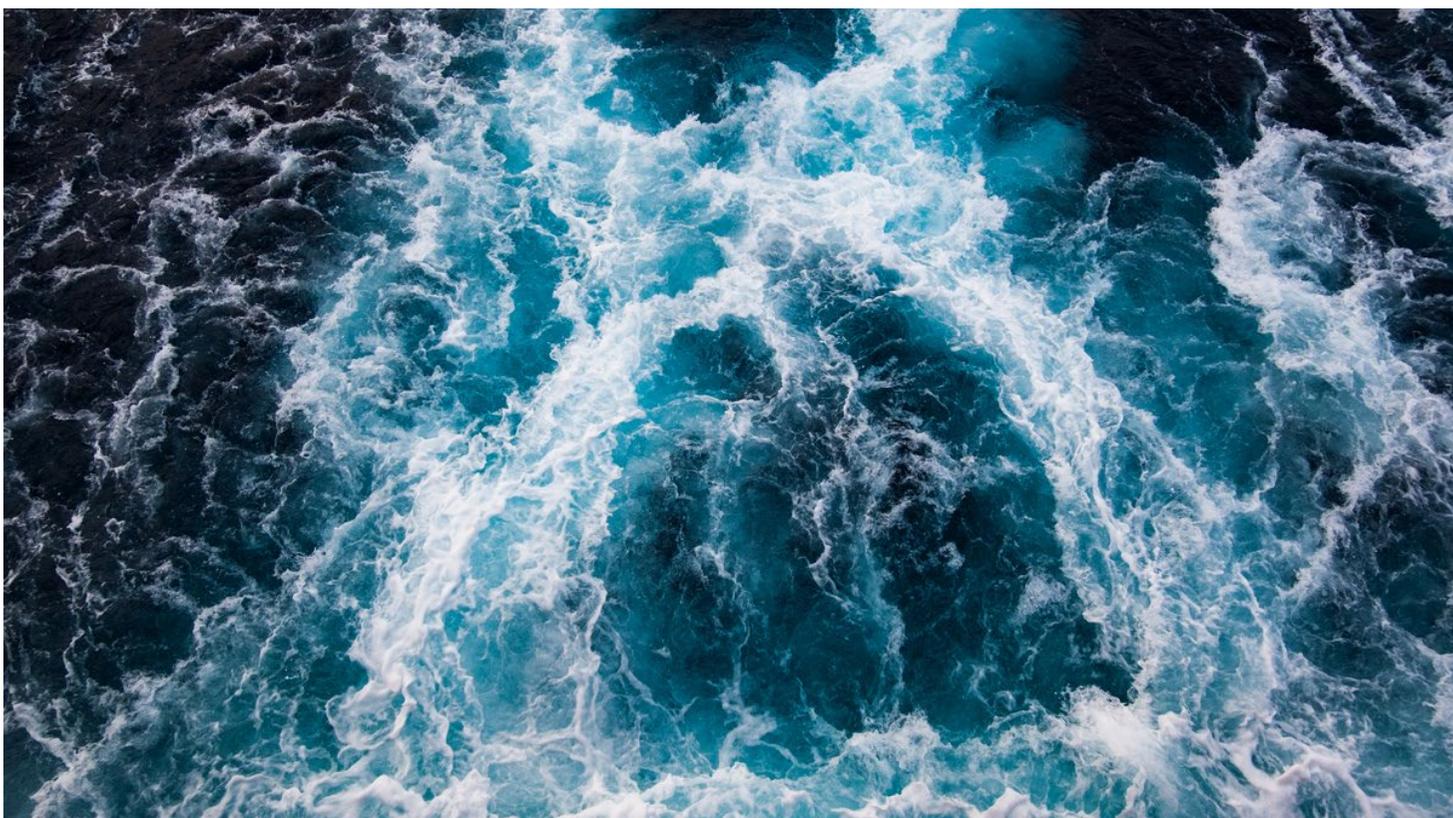
He referred to the crowd as “friends” and then as “Romans.” He knew that it meant something to be a Roman. He then said, “Lend me your ears” to soften them. Essentially, he was saying, “Would you mind letting me talk?” Antony needed to take the wind out of the propaganda that Brutus had spun. He had 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.

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.



Like a Tsunami, Antony turned the crowd against Brutus et al to crush them. He knows 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.

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?”

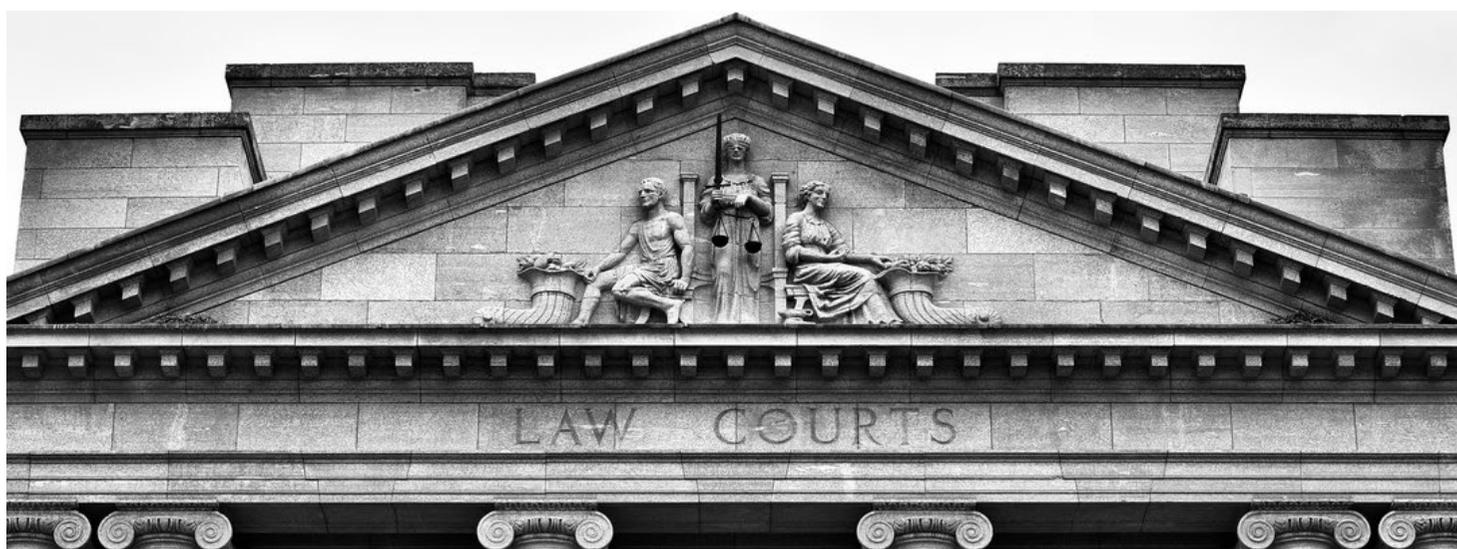


Great orators like Winston Churchill, Martin Luther King, and Barack Obama are masters of rhetoric but only come around once every century. I don't think that's an accident. Unless you are a philosophy or humanities major, you can go through your entire formal education without ever taking a class in 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 law school that I was first introduced to 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.



MY MUSINGS ON WORDS

Mozart had his piano, Michelangelo his marble, and Monet his paint — each an artist shaped by his medium. Lawyers, too, have theirs: words. 'Words, words, words.' This was Hamlet's reply to Polonius' question, 'What do you read, my lord?' (Shakespeare, 1603).

By repeating the word three times, Hamlet suggests that what he is reading is meaningless. Words are precious things. Good speakers apportion them out as a miser spends his money. The fewer words you speak, the more impactful the words you do say become.



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.
- Words mean what they say
- Irony
- Depth of emotion
- Need to speak in order to exist
- Pleasure in speaking and making sound
- Marriage of sound and sense



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 expressed: "It is not nor it cannot come to good: But break, my heart; for I must hold my tongue."

- This was also echoed in Macbeth, "Give sorrow words; the grief that does not speak knits up the o-er wrought heart and bids it break."
- This line illustrates what we have known for centuries: the grief that is not acknowledged will damage you.



THE LOST ART OF RHETORIC

AKA “Word
Play”



WHY RHETORIC?



Rhetoric is the art of persuasion by words. Rhetoric is a way of speaking that is quite magical.

It hooks the ear like a piece of music. This kind of art form – this way of looking at human speaking – has been lost in the sands of time.

This ancient wisdom has tremendous application today in our bustling new world.

We can unearth it, rediscover it, and put it into our sizzling contemporary world and make it swing.

When we talk about rhetoric, it's the actual words that are important (i.e., the surface-text) and not the subtext. Subtext does not lend itself well to rhetorical craft because it's not the language itself that is being pointed to. Instead, it's about the swirling hidden feelings beneath the words – the psychological undertone – that must be played.

When we talk about surface-text and what you see right on the words themselves, we're suddenly opening the door to the rhetorical universe – a door that has been shut for at least 200 years in the U.S. Once you crack that door open, it opens you to this massive universe that we haven't really been exposed to in the contemporary U.S. Reading, speaking, communicating – the rhetorical world is fascinating and the more you open that door and the more you start entering that world, the more secrets you discover. For lawyers, there is no better use of rhetoric than in closing argument. The language itself is creating the power. The words are creating the emotion. The words are driving the motives. The words are driving behavior.

The work around rhetoric is not borne out of the idea that words are window-dressing, but instead that words serve the story. We don't want to be speaking machines devoid of any emotional undercurrent. The classical understanding of story is different than ours. The Elizabethans knew that if you really understood the words and tasted them in your mouth and if you heard them leave your mouth and you got connected to how the word was creating the image that you were speaking simultaneously; that had huge implication for story and for what an audience received. Today we use language mostly as a delivery system for information—quick, functional, disposable.

In an age of constant notifications and shrinking attention spans, words are treated like fast-moving vehicles rather than deliberate choices. But a trial lawyer cannot afford that. Persuading a jury requires a level of specificity that cuts through the digital noise and anchors their attention. Consider how often we hear lawyers describe an event as “shocking.” Once, that word carried real weight—something *startling, deeply disturbing, or beyond ordinary experience*. But today it gets used as a catch-all adjective in briefs, openings, and closings: “*The defendant’s behavior was shocking.*” “*The injuries were shocking.*” “*The evidence will show a shocking disregard for safety.*” Because it’s used so casually, the word no longer lands. It doesn’t create an image, stir emotion, or guide the jury’s thinking.

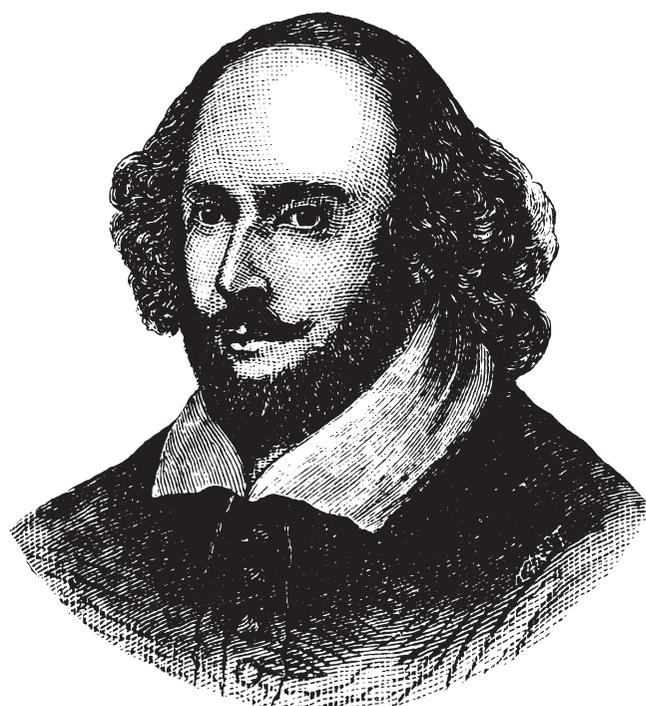
It becomes background noise—one more dramatic label in a world saturated with them. That’s what it means to flatten language: we take a word with sharp edges and expressive power and, through overuse, wring the meaning out until it’s just filler. A trial lawyer who chooses such words unthinkingly loses persuasive force in the very moment when specificity is the only currency that matters. In Shakespeare’s time, speakers lived inside their words. They chose them with care, knowing that the precise word could illuminate a thought in a way nothing else could. That depth of relationship with language meant that even when two actors spoke the same line, it never sounded identical; each brought their own exact understanding and intention to the words.

Rhetorical figures are the antithesis to flattening. They cause you to go to the borderlands of your speaking and your pitch-range. You cannot ignite a rhetorical figure in the gray, dull, middle. The only way they can spark and ignite is if you take it to the borders of your vocal range. That's when they come alive.

The reason rhetoric is important is not just because we can uncork language in a persuasive way, but because it opens up the self with a capital "S". And that helps me to see that I am serving something bigger than myself – my client's story. Everybody today reads in their heads. By speaking out loud every day, you discover something intimate about yourself – who you are, what you stand for.

Hearing sound expressed through words leaving your body – just that experience alone – is a great tool of enlightenment. We've lost that because we don't ask people to speak out loud today. Everybody reads in their heads silently where words can never take shape or sound.

We must unleash the power of rhetoric in the courtroom so that its magical craft can empower our performance and put the jury under our spell. But first, let us re-establish a working relationship to words themselves.



WHAT IS RHETORIC?

Precision tools of the art of communication handed down to us from Aristotle, each labeled with complicated Greek names which Shakespeare learned to master. It became super fashionable when rediscovered in Shakespeare's time.

They are enormously useful for lawyers. These precision arts of language have been used for many centuries to convince, persuade, to win a case, to gain followers, to save someone from execution, and to seduce.

Shakespeare used them again and again throughout his plays.

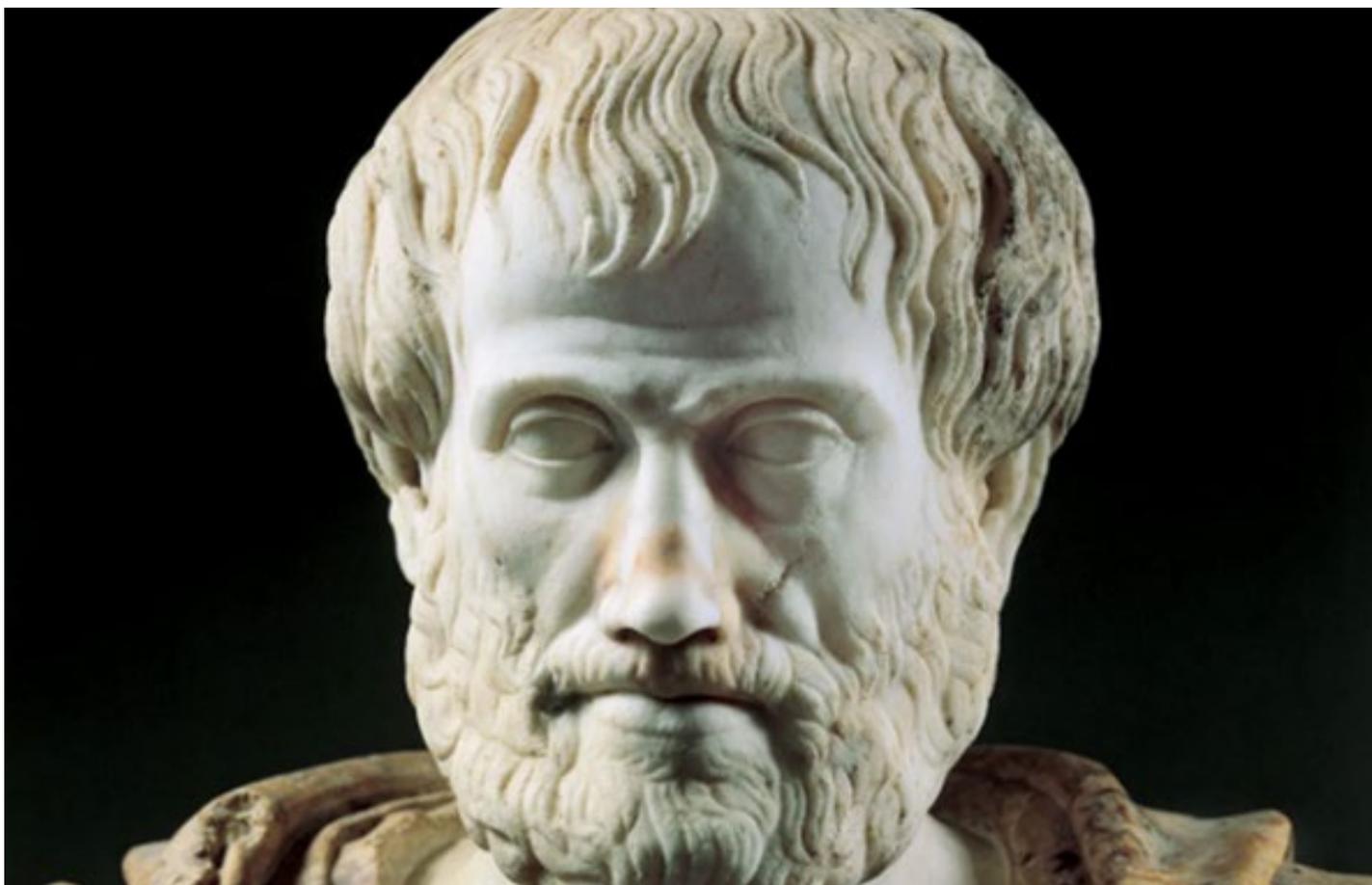


RHETORICAL DEVICES

You may have heard the terms ethos, pathos, and logos. But what do they mean?

All three are techniques of rhetoric, meant to persuade others toward a particular point of view. These three techniques show up in all sorts of circumstances, from courtroom debates and political speeches to movies and literature.

Greek philosopher Aristotle first defined these three methods in Rhetoric. Ethos is the act of appealing to the speaker's or writer's authority as a means of persuasion. Pathos is the act of evoking emotions in the audience or readers to make your point. Logos is the act of appealing to the logic of the audience or readers.



Aristotle believed that logos should be the most important of the three modes of persuasion, but to really be effective, a speaker or writer needs to use all three.

For instance, a politician may establish rapport by mentioning her up-by-the-bootstraps childhood (*ethos*), speak about the unifying power of the country's citizens (*pathos*), and then go on to explain how her election will bring about these ideals in practicality (*logos*).

Example of Ethos:

In the 1975 film *Jaws*, Quint (played by Robert Shaw) delivered his famous soliloquy about the USS Indianapolis. The whole speech oozes with ethos, as Quint tells the story of his experience as a sailor in WWII to explain his vendetta against man-eating sharks:



“You know that was the time I was most frightened. Waitin’ for my turn. I’ll never put on a lifejacket again. So, eleven hundred men went into the water. Three hundred and sixteen men come out, the sharks took the rest, June the 29th, 1945.”

To use ethos effectively, you need to remember your audience. What do they need to hear in order to believe in you? What kind of background details can you give them?

Example of Pathos:

Martin Luther King’s “I have a dream speech”.

His words are chosen carefully to invoke emotion:

“unspeakable horrors,” “heavy with fatigue of travel,” “stripped of their selfhood,” and “robbed of their dignity.”

Pathos is a very effective way to bring the audience over to your own perspective, but you have to be keenly aware of 1) the kind of emotion you want to elicit, and 2) what truth you’re going to draw on to trigger that emotion.

Moreover, *pathos* is most effective if used sparingly—you don’t want to be too sappy or forced. A jury can smell a “faker” a mile away.

Lastly, paromologia is another tool you can use with pathos to make it more effective.

Paromologia is when you concede part of your opponent’s point. It has the double effect of making you appear honest and logical, while mitigating your opponent’s argument which ultimately, also creates a feeling of empathy in the audience.

As Gerry Spence says, “A concession coming from your mouth is not nearly as damaging as an exposure coming from your opponent’s.”

LESSON LEARNED FROM “8 MILE”

This was a movie dating back to 2002 starring Eminem. Eminem, playing the protagonist (“B-Rabbit”), valiantly defeated Papa Doc by a show of hands in the film’s final rap battle sequence. This final rap battle in “Eight Mile” is the climatic point of the film. Papa Doc won the coin toss and allowed B-Rabbit to go first. Aware that Doc had a lot of potential material about him, B-Rabbit adopted the “stealing thunder” technique, revealing the negative facts/information about himself before it was mentioned by his opponent. While B-Rabbit embraced his own past, he outed Doc’s as well, revealing that not everything is how it seems.

This “Stealing thunder” technique can also be applied in the courtroom. Acknowledging the weak points in your case from the very outset and dealing with them “head on” during closing argument has the effect of neutralizing them or turning them into a positive theme that provides a solid underpinning for the theory of your case. Not only will it disarm your adversary but it simultaneously forces him into a defensive position of having to rebut what might otherwise be a logical explanation.

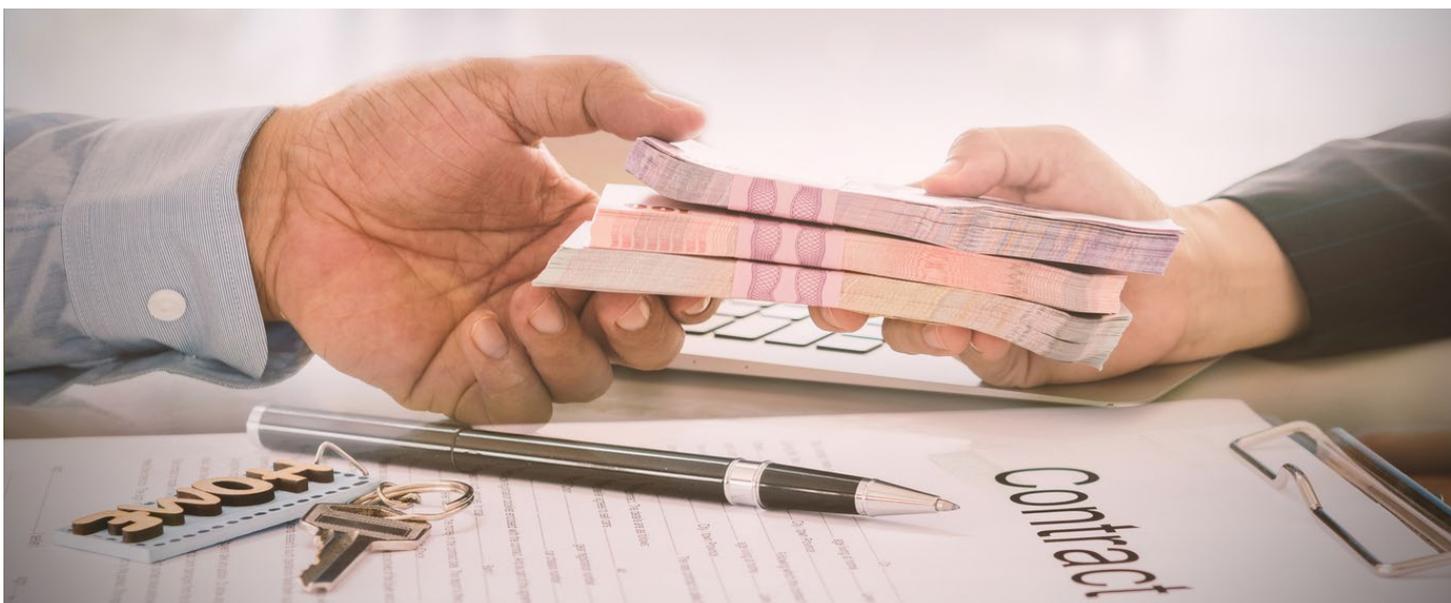
RHETORICAL DEVICES

Example of Logos:

In Shakespeare's "Hamlet," Polonius counseled his son Laertes to never give money to friends. His logic is that it's often risky to combine debt with personal relationships, which can result in the loss of both money and friends. By the same token, borrowing can make you complacent, spend money haphazardly, and lose the habit of "husbandry," that is, being thrifty and mindful of your own expenses.

"Neither a borrower nor a lender be, For loan oft loses both itself and friend, And borrowing dulls the edge of husbandry."

Logos is a powerful tool, because it often stands on irrefutable hard data and statistics. It doesn't need the charisma of the orator or the emotions of the audience to make a well-reasoned argument. That said, how the audience receives it is another topic entirely—dry facts can come across stilted if not infused with charisma.



To use logos most effectively, temper it with common speech that everyone can understand. If your topic is complex, use simple words to explain it. Don't hide your beautiful argument behind complicated words, jargon or generalizations. Be as specific and concrete as possible, with examples, and stress the most important points.

Speech devices that are enormously useful and which have withstood the test of time:

- Repetition
- Triplets
- Parallel structure
- Enumeration
- Articulation
- Onomatopoeia
- Similes & Metaphors
- Antithesis
- Hypophora & Deliberatio
- Irony
- Vowels & Consonants
- The power of monosyllabic words



REPETITION

Repeating sounds or repeating words at the beginning, middle, or end of lines. Repetition of phrases, repetition of ideas. These tools are especially powerful. "Tell them what you're going to tell them. Tell them. And then tell them what you told them."

Recall President Obama using repetition in his 2008 speech, "Yes, we can," then again, "Yes, we can." If you use this tool well, you will not fail to produce an emotion in the listener that rises inexorably with each repeat and lives vigorously in the memory. It's like a law of Physics, so it's not surprising that repetitions in many forms run like rivers throughout Shakespeare's works.



The most important forms of repetition for a speaker of Shakespeare's verse are alliteration and assonance. This is the repetition of consonant and vowel sounds which connect words so thrillingly.

I think of them where the ink on paper becomes sensuously alive.

An example of assonance can be found in the phrase, "Fit thy consent to my sharp appetite."

Here, there is a repetition of the vowel sound, "y."



Actors are taught to allow the sounds to ring in their mouths.



For instance, Titania's speech: "His mother was a votaress of my order, And in the spicèd Indian air by night Full often hath she gossiped by my side, And sat with me on Neptune's yellow sands, Marking th' embarkèd traders on the flood ... And grow big-bellied with the wanton wind."

All the fairy-queen's enjoyment and love for her friend, all her nostalgia and regret, lives in the sounds that accompany the meaning of her words. "Sat on sands." "Marking," "Laughed," "Big-bellied," "wanton wind."

TRIPLETS

When listing things, be careful not to do so like you're reading a grocery list. Not everything has the same value!

Consider Marc Antony's famous speech that begins with the following triplet: "Friends, Romans, Countrymen, lend me your ears!" Each one will come out different based on Antony's individual relationship to it.

In a battered woman's case: "Battered, beaten, and abused."

PARALLEL STRUCTURE

"Ask not what your country can do for you, ask what you can do for your country."

ENUMERATION

"There are five facts showing negligence: (1) ... (2) ... Etc."

ARTICULATION

In order to be understood, you must pronounce your words clearly. Articulation is an essential skill to master.

Articulation is the physical act of clear vocal expression. You articulate sounds with your lips, teeth, tongue, jaw, and palate and use your mouth to vary those sounds in tone, volume, pitch, and quality.

Here are some tongue twisters to get you started:

“Peter Piper picked a peck of pickled peppers; A peck of pickled peppers Peter Piper picked; If Peter Piper picked a peck of pickled peppers, Where's the peck of pickled peppers Peter Piper picked?”

“What a to-do to die today, at a minute or two to two;
A thing distinctly hard to say, but harder still to do.
For they'll beat a tattoo, at twenty to two
A rat-tat-tat- tat-tat-tat- tat-tat-tattoo
And a dragon will come when he hears the drum,
At a minute or two to two today, at a minute or two to two.”



ONOMATOPOEIA

What is it and when should it be used? An onomatopoeia is a word that sounds just like the thing it describes. For example, “splat!” or “boing!” Both these words mean nothing more than what they sound like.

Shakespeare incorporates so much meaning into the sounds of the words. Here are some examples.

Henry V, Act III: “Once more unto the breach dear friends”; “... swill’d with the wild and wasteful ocean ...”

The sound of the words give us the sound of the surge of the sea.

The first half of the line uses all of the fs and vs to create the sensation of shivering (i.e., “vvvvv”). The last three words with the long vowels and the liquid consonants create the feeling of sleeping – the fever having been broken. You must change the tempo in the middle of that line so that you get an onomatopoeia feel of the meaning through the sensation.

Macbeth, speaking about King Duncan, after he killed him: “After life’s fitful fever / he sleeps well.”

Driving metaphor: Life is a fever. When the fever breaks, you sleep well. Death is the breaking of the fever after which one sleeps. But the sense of the line is: What happens when you have a fever? You shiver. What happens when you sleep? You don’t shiver.

It's amazing that Shakespeare incorporates so much meaning into the sounds of the words. Not just the meanings of the words, but also the sounds of the words.

Animal sounds: Dogs “woof,” “bark,” “arf,” and “growl.” Cats “meow,” “purr,” and “hiss.” Cows “moo.” Birds can “cheep,” “crow,” and “tweet.”

Water sounds: “Gurgle,” “splash,” “drip,” and “squirt.”

Some onomatopoeic words have been used for so long, or so closely match a real sound, that they begin to be used to describe the actual thing that is making the sound in the first place.

Examples:

Slap: This sounds just like the sound of skin hitting against skin, and it's commonly used to describe the act of hitting someone, usually in the face

Cuckoo: This so closely imitated the sound of a particular bird that people decided to use it to name the bird itself.

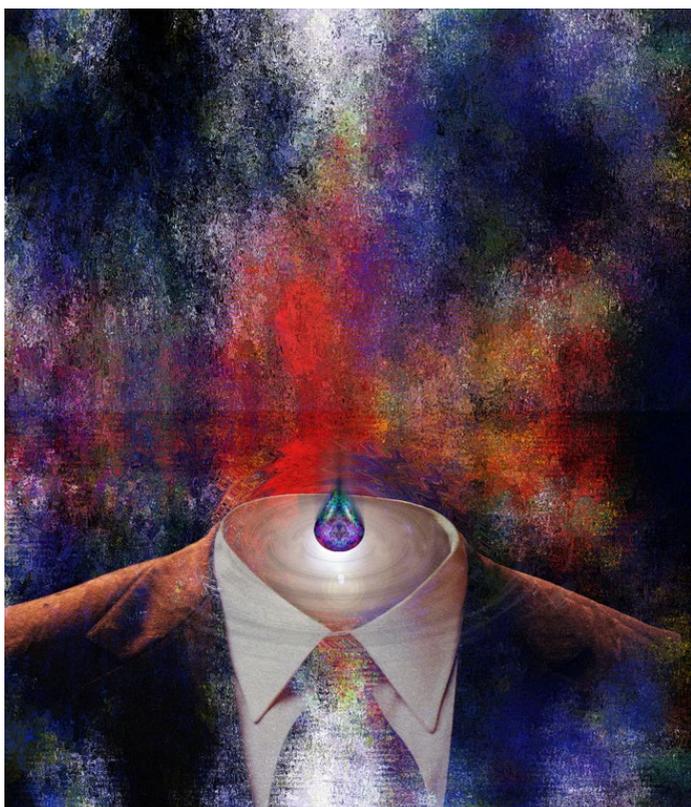
Because they are so recognizable, onomatopoeic words help to keep your words in the active voice and to paint pictures in the minds of jurors at the speed of thought.



METAPHOR

A metaphor is a figure of speech in which a word or phrase literally denoting one kind of object or idea is used in place of another to suggest a likeness between them.

Example: “You’re a peach.”
The person being addressed is being equated with a peach, with the suggestion being that the person is pleasing or delightful in the way that a peach is pleasing or delightful.



When do we use a metaphor? We use a metaphor when our normal speech won't do. We have to reach into an imaginative world, a world of images, to try to communicate what is trapped inside us. That's why poetry is among the greatest art forms. And for me, in many ways, my favorite art form, the ability to take an image and say, “This is that.”

“Denmark is a prison” is a metaphor. So when we reach for metaphor, when we reach for simile, we're reaching for a more fundamental kind of language to try to communicate that, which is trapped inside us to someone who's actually trapped outside us.

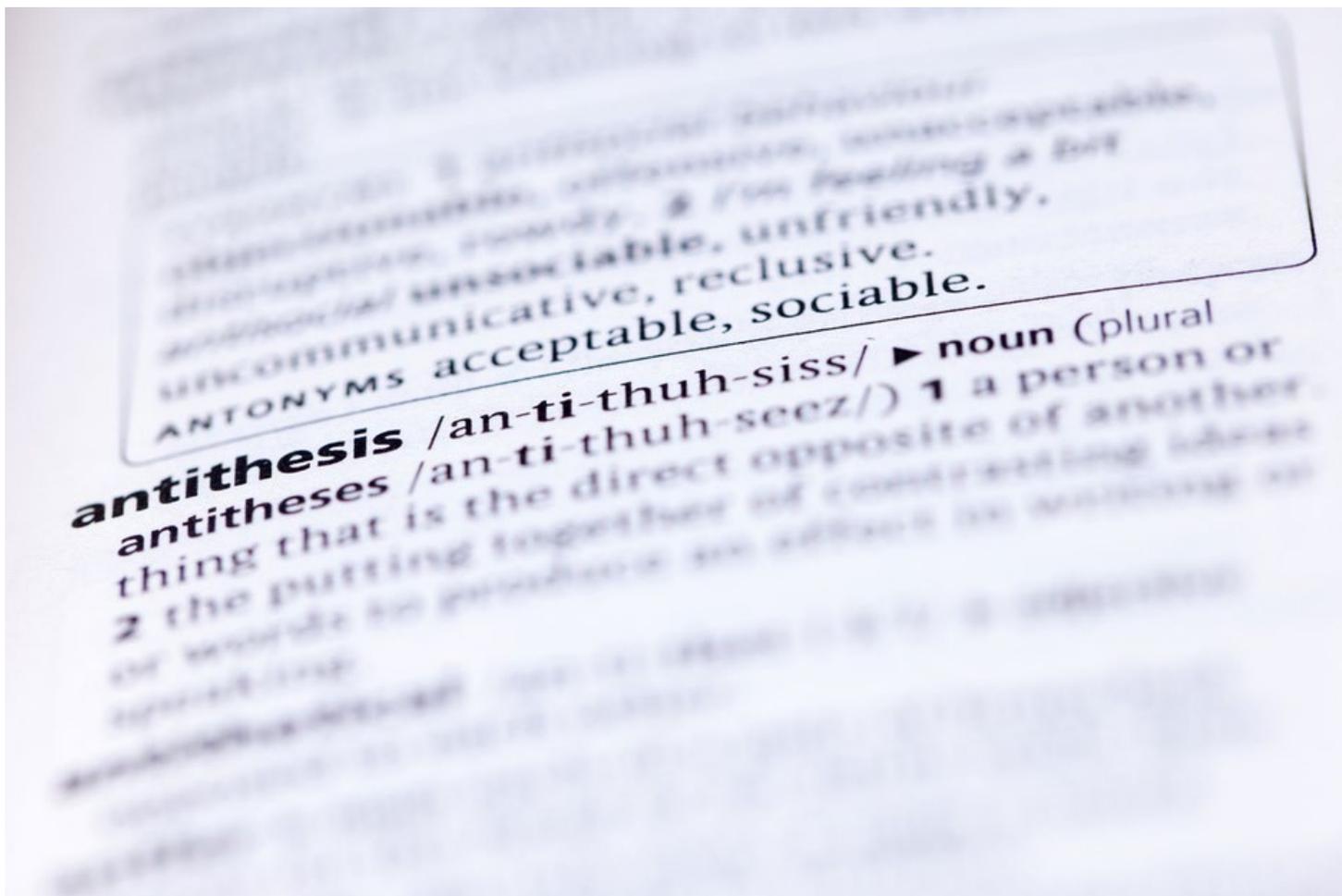
DIFFERENCE BETWEEN SIMILE & METAPHOR



Difference between metaphor and simile: A metaphor is an implied comparison, as in the “silk of the singer’s voice,” in contrast to the explicit comparison of the simile, which uses like or as, as in a “voice smooth like silk.”

“My love is like a red, red rose” is a simile, and “love is a rose” is a metaphor.

ANTITHESIS



Antithesis (“opposition”) can be defined as playing one word or phrase (or idea) off of another word or phrase (or idea).

It has to do with where words are placed in a line. The purpose of antithesis is to clarify the argument. There is great heat in antithesis.

JUDI DENCH ON ANTITHESIS

As the great Judi Dench said, “An antithesis should force an actor to pause, to draw the audience’s attention to whatever contrast the line creates. Think of it as weighing out two options — you want to make sure whoever you’re explaining it to can separate one idea from another. Shakespeare uses antithesis a lot, especially when a character is talking directly to the audience.”



ANTITHESIS

Classic example: “It was the best of times, it was the worst of times.” — A Tale of Two Cities

“Is that his brother, no it's his sister!”

“Is that natural, no, it's divine!”

You should slightly stress “natural” and then add extra stress to its opposite word, “divine” in order to allow the antithesis to pop into 3D. Everything then becomes crystal clear to the audience.

On a deeper and more philosophical level, antitheses are like strange bedfellows. They can't exist without each other. Out of fear for one, usually the negative, we seek the other. For example, we lean towards hope out of fear for despair. Similarly, honor in the sense of integrity and doing what is right is a more cherished virtue than disgrace.

ANTI THESIS

EXAMPLES OF ANTITHESIS IN SHAKESPEARE

The fickle Proteus, after becoming infatuated with his best friend's girl (Sylvia), makes an unfavorable comparison with his longtime girl (Julia).

Proteus: At first I did adore a twinkling star
 But now I worship a celestial sun.

(Shakespeare, *Two Gentlemen of Verona*, 2.7)

Lady Macbeth, realizing that her husband has suddenly lost his appetite for murdering the King, attacks his crumbling resolve and poses a challenging question:

Lady Macbeth: Art thou afeard [afraid]
 To be the same in thine own act and valor
 As thou art in desire?

(Shakespeare, *Macbeth*, 1.7)

King Henry, at the battle of Harfleur, attempts to inspire his tired and worn out troops:

King Henry: In peace, there's nothing so becomes a man
As modest stillness and humility; But when the blast of
war blows in our ears, Then imitate the action of the
tiger. (Henry V, 3.1)

Lady Macbeth prods Macbeth into welcoming (then killing) the visiting King:

"Look like the innocent flower, but be the serpent under it."

(Shakespeare, *Macbeth*, 1.5)

Caesar responds to his wife's fear for his safety:

"Cowards die many times before their death,
The valiant only taste of death but once." (Shakespeare,
Julius Caesar)

HYPOPHORA

“Q&A” with oneself. Asking questions in one persona, and immediately answering them in another.



EXAMPLE OF HYPOPHORA

The reprobate-drunkard Falstaff toys with the notion of Honor on the battlefield:

Falstaff: Can honor set a leg? No. Or an arm?
 No. Or take away the grief of a wound? No. Honor
 hath no skill in surgery then? No. What is honor? A
 word. What is in that word honor? What is that honor?
 Air. A trim reckoning! Who hath it? He that died a'
 Wednesday. Doth he feel it? No. Doth he hear it? No.
 'Tis insensible then? Yea, to the dead...Therefore, I'll
 none of it.

(Shakespeare, Henry IV, Pt. I, 5.1)

DELIBERATIO

Deliberatio: A technique of argument. Weighing various courses of action or outcomes. Pitting one course of action against another.



EXAMPLE OF DELIBERATIO

“To be or not to be. That is the question.
Whether ‘tis nobler in the mind to suffer
The slings and arrows of outrageous fortune,
Or to take arms against a sea of troubles,
And by opposing, end them.”
(Shakespeare, Hamlet, 3.1)

IRONY

Irony is perhaps the most difficult challenge faced by actors and any performing artist. Shakespeare uses it over and over.

The simplest way of defining it is “saying one thing while meaning something else which is opposite to its surface meaning.”

It's commonly humorous but may at the same time be deadly serious.

The speaker enjoys it, sometimes wryly at his own expense.

Whenever I think about irony, I think about walking a tight rope. One of the reasons why irony is so difficult is because it's halfway between thought and feeling.

Basic emotions like joy, hate, love, and greed come easy because we know what it means and we can tap into it.

Ambiguity comes up in any discussion about irony because of its double-meaning.

Ambiguity means that the speaker must be both inside himself and outside of himself. A certain special tone is also involved.

Irony can be subtle on the one hand or overt irony on the other.

There are three types of irony:

Situational irony involves a situation where the outcome is different than expected.

Dramatic irony is when the audience is privy to information that the characters aren't.

Verbal irony is when someone says one thing, but means another.

SITUATIONAL IRONY

Examples:

“We share the same birthday! How ironic!”

“My wife is a flight attendant but she’s terrified of heights. How ironic!”

DRAMATIC IRONY

A girl in a scary movie gets in her car where the killer is hiding in the back seat. You know the killer is there, but she doesn’t.

VERBAL IRONY

Verbal irony is often mistaken for sarcasm. But they're not always the same.

In this context, the question that is most often asked is, “Where does sarcasm end and irony begin?”

Sarcasm is a form of verbal irony, but not all examples of verbal irony are sarcasm.

So what’s the difference? Well, sarcasm is when one’s actual meaning isn’t literal, but it’s said in a *mocking* or critical tone.

Example: The prosecutor looked to the bottom of the well for all of the evidence that they could find against Mr. Smith for robbing the Provident Bank. And what did they come up with? Nothing.

So when someone laughs at your shoes and says, “Nice shoes, dork,” that’s sarcasm — but it’s also verbal irony since the underlying meaning is, “Your shoes look silly.” Verbal irony by itself, though, doesn’t have to be mocking.

Here’s a case in point: Two people are walking in the rain and one person says to the other, “Well, at least the weather is nice.”

Or when someone says something is “as clear as mud.” Here’s an example of verbal irony from the master himself, William Shakespeare:

“Here, under leave of Brutus and the rest—

For Brutus is an *honourable man* ;

So are they all, all *honourable men* —

Come I to speak in Caesar’s funeral.”

— Marc Antony from Julius Ceasar

VOWELS & CONSONANTS

Classically-trained actors are taught to lean into the vowel sounds because they carry a heightened level of emotion or feeling that the character is experiencing in that moment. Hamlet’s “O what a rogue and peasant slave” soliloquy is full of rage and anguish. He is like a volcano waiting to erupt and the “O” is an unloading of emotion. By contrast, in modern times, a long or short “O” vowel sound indicates a discovery as in, “Oh, I see.” But in Shakespeare’s day, vowels carried the emotional undercurrent of the word. As a vivid way to recall the power of vowels, my instructor once said, “Vowels are like the wine and consonants are like the wine glass. Now get drunk and savor the wine as if it is the most lush, balanced, and creamy chardonnay that you’ve ever tasted.” In other words, indulge and feel all you want!

Another powerful takeaway from this metaphor is that one does not need to lean so hard into the consonants in “vowel-rich” passages since it is not the wine glass but the wine itself that will accomplish the goal of getting you drunk. In fact, leaning too hard into the consonants will actually dilute the potency of the vowels.



A vowel heavy line is another kind of reach. It’s an emotional reach. A line like, “In sooth, I know not why I am so sad.”

First, notice they are all normal syllables, single syllables. And notice all these vowels. “I OO O I A O A”

If imagery is our first language, vowels are our second. Why? Vowels are a baby’s language. The baby comes out as King Lear says, “the first time we smell the air, we wawl and cry.”

The baby’s language is vowel sounds. And the way we communicate with babies is through vowel sounds. So when Shakespeare uses those vowel sounds in that way, he’s going to an even more primitive place.

Consonants, on the other hand, tend to carry the intellectual ideas of the language -- they are the intellectual structure or texture of the language. Alliteration, or the repetition of consonants or consonant clusters in a group of words is one of the staples of Shakespeare's verse. The effect of alliteration is to place emphasis on an image or a line.

An example of alliteration can be found in this memorable statement from the beginning of "Romeo and Juliet": "From forth the fatal loins of these two foes; A pair of star-cross'd lovers take their life."



LADDERS

In rhetoric, a “ladder” refers to a progressive structure of reasoning, language, or abstraction—a way of moving step by step from one level of thought to another.

It’s a conceptual or verbal device that lets a speaker climb from the concrete to the abstract, from particulars to generalizations, or from simple ideas to more complex or elevated ones.

There are two main uses of “ladder” in rhetorical analysis:

1. The Ladder of Abstraction

This is the most common rhetorical sense of “ladder.” Coined by linguist S.I. Hayakawa, it describes how language can move from specific, tangible examples to broad, abstract concepts—like climbing rungs on a ladder.

Lower rungs = concrete, sensory details (things we can see, touch, or name specifically)

Higher rungs = abstract, generalized, or conceptual terms

Example:

Cow → Livestock → Farm assets → Capital → Wealth → Economy

Each rung becomes more abstract than the last. In rhetoric, speakers often move up and down this ladder to connect everyday experience with larger ideas or principles.

LADDERS

Rhetorical purpose:

- Moving up the ladder = shows reasoning, vision, or moral principle.
- Moving down the ladder = grounds ideas in relatable examples and vivid imagery.

2. The Rhetorical Ladder of Effect or Intensity

This refers to a structured build-up of emotional or persuasive force—a deliberate escalation in tone, imagery, or argument, much like climbing a ladder toward a climax.

Example:

“We demanded justice. We worked for justice. We marched for justice. We bled for justice.”

Each phrase builds intensity, moving the audience up the “ladder” toward a more powerful emotional impact. This type of ladder overlaps with anaphora and climactic sequencing in rhetoric.

Additional Examples

- Abstraction Ladder Example (Martin Luther King Jr.):

“I have a dream that one day on the red hills of Georgia... little black boys and black girls will be able to join hands with little white boys and white girls... I have a dream that one day this nation will rise up and live out the true meaning of its creed.”

→ Moves from specific imagery (children in Georgia) to abstract ideals (national creed and justice).

LADDERS

- Climactic Ladder Example (Churchill):

“We shall fight on the beaches, we shall fight on the landing grounds, we shall fight in the fields and in the streets...”

→ Each clause raises the emotional pitch and moral resolve, rung by rung.

In short:

A rhetorical ladder is a way of structuring speech to move upward (or downward) in abstraction, intensity, or scope—helping the speaker connect everyday details with higher truths, or small actions with great causes.

By committing fully to each clause in the ladder, it springboards you to the next one without losing momentum.

TONAL ARCHITECTURE

In rhetorical speech, tonal architecture refers to the overall structure, flow, and variation of tone throughout a speech — the way a speaker uses changes in voice, emotion, and pacing to shape the listener’s experience and guide their emotional response.

Just as a building has an architectural design that determines how people move through it, a speech’s tonal architecture determines how the audience is carried through the emotional and persuasive journey.

It’s about the deliberate rise and fall of intensity, shifts between warmth and firmness, and transitions from reflective moments to passionate appeals.

In practice, this means:

- Opening tone might be calm and inviting, building credibility and trust.
- Middle sections may rise in energy or urgency to emphasize key points or moral stakes.
- Closing tone often crescendos to inspiration, resolution, or emotional release.

For example, Martin Luther King Jr.’s “I Have a Dream” speech has a clear tonal architecture: it begins measured and solemn, builds through rhythmic repetition and emotional intensity, and culminates in a soaring, visionary tone.

In short, tonal architecture is the emotional blueprint of a speech—how tone is structured and modulated to reinforce meaning and move the audience.

Elongation versus Shortening

In rhetorical speech, elongation and shortening refer to contrasting techniques of pacing and delivery — how a speaker manipulates time, rhythm, and emphasis to shape meaning and emotional effect.

Here's the distinction:

Elongation

- **Definition:** The deliberate slowing down or lengthening of words, pauses, or ideas to create emphasis, gravity, or emotional depth.
- **Purpose:** To make a point land—to give the audience time to absorb or feel the weight of an idea.
- **Effect:** Builds tension, dramatizes emotion, and can create a sense of grandeur or solemnity.
- **Examples:**
 - In a eulogy, a speaker might slowly say, “He was... the kind of man... who never gave up,” drawing out the phrasing to honor the moment and evoke feeling.

Elongation versus Shortening

- “If there be *any* in this assembly, any *dear* friend of Ceasar’s ...” Brutus, Julius Caesar, Act III, Scene II



- “So are they all, *all honorable* men.” Marc Antony, Jullius Caesar, Act III, Scene II



Elongation versus Shortening

Shortening

- Definition: The deliberate quickening of pace—using shorter sentences, clipped phrasing, or brisk delivery.
- Purpose: To inject energy, urgency, or clarity; to build momentum or excitement.
- Effect: Creates a sense of movement, spontaneity, or passion; often used when transitioning to action or climax.
- Example: In a rally speech: “We march today. We speak today. We change today.” The brevity drives rhythm and conviction.

In essence:

- Elongation stretches time to deepen resonance.
- Shortening compresses time to heighten impact.

Skilled orators weave the two together, alternating elongation and shortening to create a dynamic rhythm that holds the audience’s attention and underscores meaning.

THE POWER OF MONOSYLLABIC WORDS & LINES

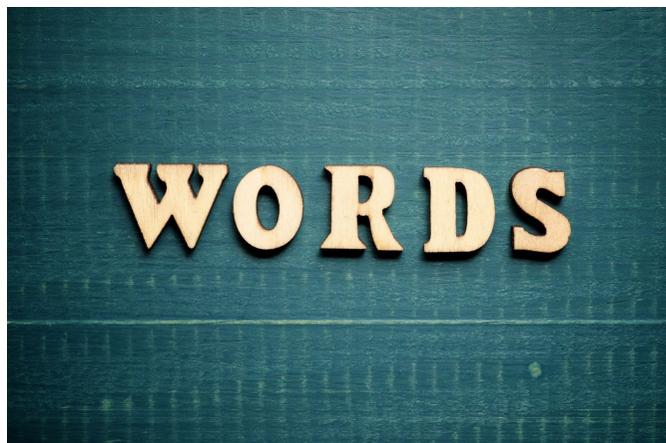
Shakespeare often uses monosyllabic lines for particularly charged or heightened moments. They need air, they need to go at a slightly slower pace in order for the audience to hear where one word starts and another word ends. For this reason, monosyllabic words tend to be emotional.

In contrast, polysyllabic words are more intellectual and trip easily off of the tongue: i.e., characterizations, repudiation.

Shakespeare uses these lines to convey a character's most vital meaning. Indeed, they are packed with thoughts and feelings. For this reason, they cannot be rushed.

"In sooth, I know not why I am so sad." -- Antonio, The Merchant of Venice

This is a difficult line because it's a difficult moment for Antonio. He doesn't know why he is so sad; so he is feeling for something and he, himself, doesn't know what it is. That's why it's a poetic line.



“And for her sake do I rear up her boy, And for her sake I will not part with him.” “Give me that boy and I will go with thee.” — A Midsummer Night’s Dream

These are three lines of monosyllables. String them like beads on a necklace with a tiny knot between each one and you'll find the death charge of your character in that scene. The actor speaking a monosyllabic line should search for it and feel for it.

Don't be Afraid to Ask the Jury Open - ended Questions

Why are questions a great rhetorical device when addressing the jury? A question includes the other person and makes them think. Always ask the question as a real question and not as a rhetorical question.

Here is an example:

“Who was arrested with money and weapons? Jacob Miller. Who lied for more than a year about his involvement in these robberies? Jacob Miller. No one will walk into this courtroom and tell you that Jesse Williamson is a bank robber except Jacob Miller. And in the end, you won’t believe him.”

WE HAVE FIVE SENSES, NOT ONE

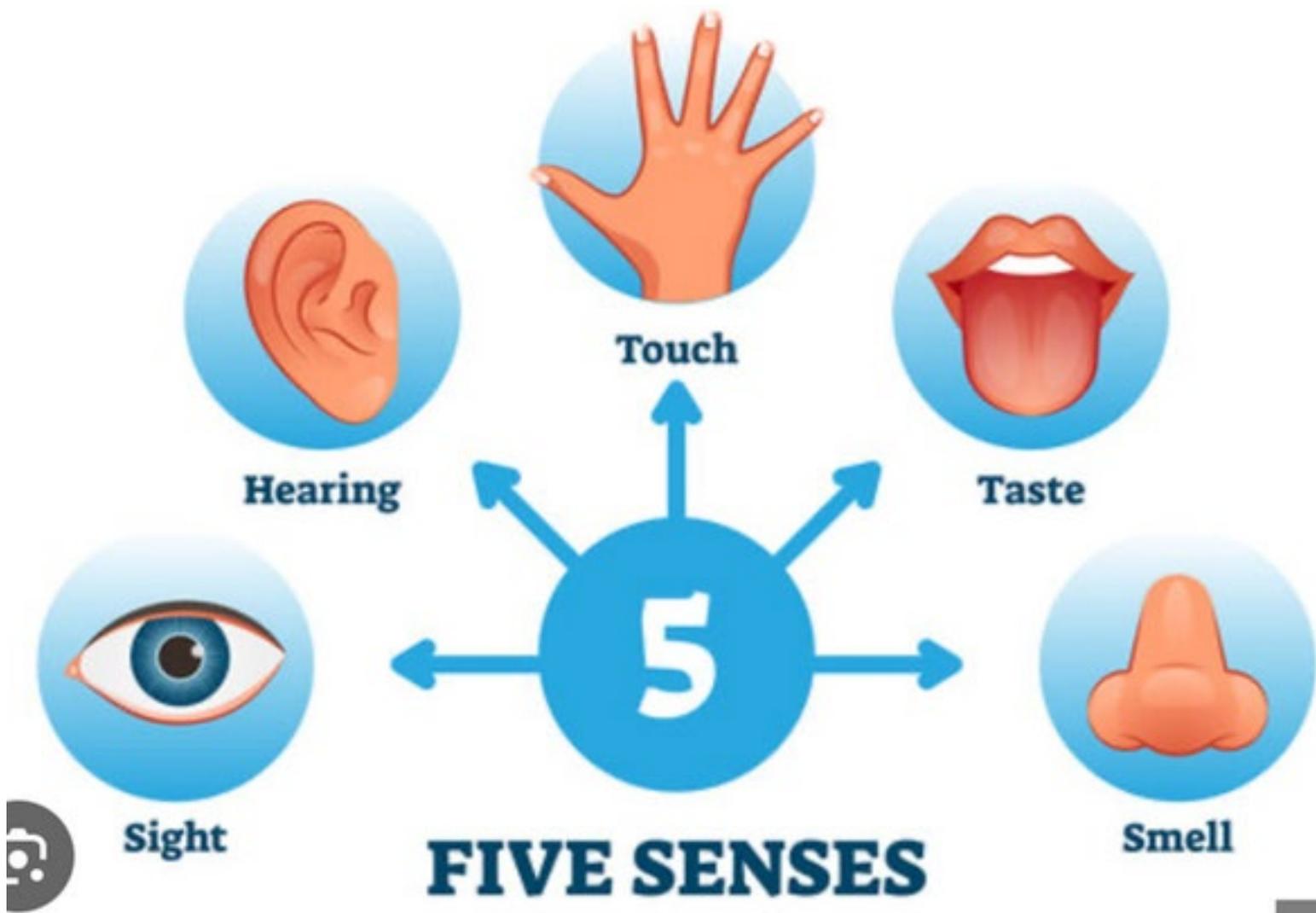
When words are *seen, tasted, touched, felt*, they penetrate and break up patterns of thought. They reach into emotions, memories, associations, and they spark the imagination. They bring life.

The easiest way to get vivid, cinematic, and sensual details into your story is to think in terms of the five senses.

If your story can enter the listener through the senses, the listener can experience the story in real time and as if it were happening to them.

The senses also trigger associations with memories and events from our past that are near and dear to us. Therefore, don't forget to actively engage the five senses!

UNLOCKING YOUR CLIENT'S STORY THROUGH THE FIVE SENSES



ERNEST HEMINGWAY ON LISTENING

“When people talk, listen completely. Don’t be thinking what you’re going to say. Most people never listen. It’s a rare and profound gift to be fully present with someone, and yet, it’s something so few of us truly offer. Most people only half-listen, their minds already formulating their next words, distracted by their own thoughts, or zoning out entirely.”

“Imagine how powerful it would be if we listened more deeply—if we made a commitment to being fully engaged, to hearing and understanding not just the words, but the emotions and intentions behind them. “

“Listening isn’t just about waiting for your turn to speak; it’s about absorbing what someone else is sharing and making them feel heard, valued, and understood. It’s about connecting on a level deeper than surface conversations, because when you truly listen, you open a door to empathy and genuine connection. And isn’t that what we’re all really longing for?”



SOUND

Remembering sounds can help to access the emotions they trigger inside you.

Does the ringing of a classroom bell bring back feelings of being out of place and alienated, as you felt in middle school?

Does the sound of an ambulance siren scare you, causing you to remember the day that your grandmother died?

Does the sound of a brook running make you feel peaceful?

Example: “He heard a loud ‘pop’ like a muffler backfiring and took cover on the ground. In John’s neighborhood, you could never be too sure. More often than not, a loud pop meant that someone was firing shots.”



SMELL

A smell can help open up the personal emotions you need to feel. When I smell a familiar smell, I am immediately transported back to an event, time, or location that is personal to me.

The smell of an apple pie in the oven takes me back to “Sunday night dinner” at my Grandmother’s house when I was 8 years-old.

The stench of garbage might make you feel nauseous. The fragrance of lilacs or roses could make you feel the first stirrings of romance.



TOUCH

Does sand trickling through your fingers transport you to a beach?

Does the touch of fur make you feel romantic?

Does a cool breeze blowing through your hair remind you of the day when your husband proposed to you?

The five senses are one big super-sense: touch. We've already covered physical touch. But how is touch triggered in the context of the other four senses?



When we taste something, it touches our taste buds.

When we *smell* something, the molecules penetrate our nose.

When we *look* at something, the color or the light touches the back of our cornea and that's how we see it.

In what might be surprising and even a little bit creepy, *sound* waves are touching us all the time. Even now, as I speak to you, I'm touching you with the sound of my voice.

I send out sound waves (physical, tangible things) that travel through my mic, into the computer, out of your speakers and hit your ear drums causing inner vibrations. The vibrations that I'm sending here are quite literally touching you there.

I'm fascinated with this idea of how our words and sounds are always touching people. Indeed, the sounds of people's voices by themselves trigger certain sensations inside us. Look no further than some of your favorite narrators on Audible. Recognizing the sheer power of the voice, we should exploit it for the good of our clients when we're speaking to the jury.

I'm also fascinated with the power of touch through sight when we're speaking to the jury. I can think of times in my life when another person "shot daggers" at me from across the room. It felt as if she had touched me when she looked at me. Indeed, it felt as if the person had "stripped me naked with their eyes." Example: "The officer's grip on John's arm was so tight that the mark it left was still there more than two hours later."



TASTE

Does the taste of a bitter pill, rancid milk, or liver make you want to throw up?

Perhaps the taste of vanilla icing makes you feel loved and special, as you did when your mother would make a birthday cake just for you, with her special vanilla icing.

Or, maybe the sensation of a dark piece of chocolate melting in your mouth creates primal, sensual feelings. Example: “As he lay on the ground, he could *taste* the blood that was dripping out of his nose and onto his lips.”



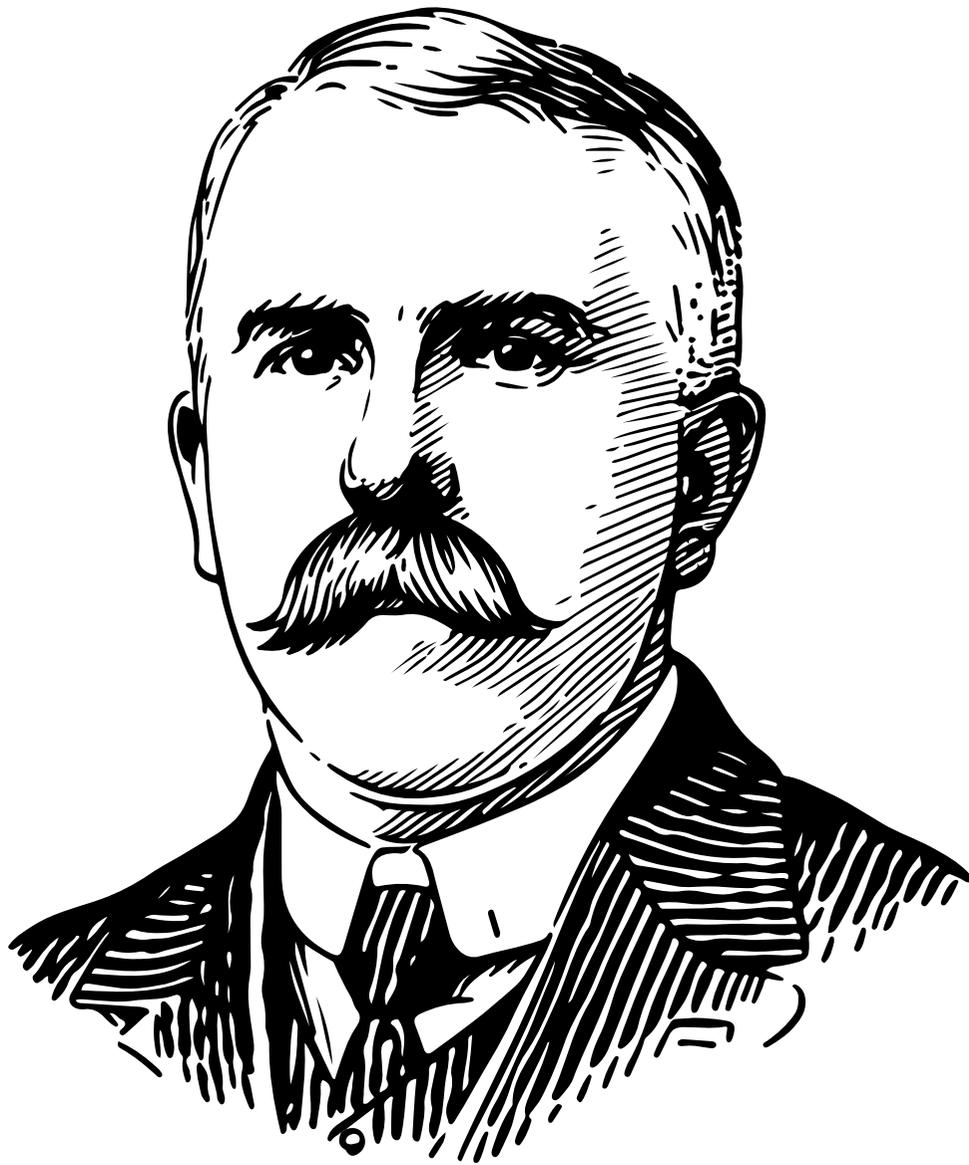
ERNEST HEMINGWAY ON OBSERVING

“Beyond listening, there is also the art of observing, of truly noticing the world around you. When you walk into a room, take a moment to soak in everything. Notice the details—the way the sunlight filters through the windows, the color of the walls, the expressions on people’s faces, the way someone is nervously tapping their foot or laughing with their eyes more than their mouth. Most of us rush through spaces, our minds preoccupied and our eyes barely registering what’s in front of us. But there’s magic in paying attention, in being mindful of the small details that make every moment unique.”



“Think of the room not just as a physical space, but as an experience. Every room has a mood, a feeling, an energy. It could be the coziness of a room filled with laughter, the tension of a space where a difficult conversation just took place, or the warmth of a place that holds beautiful memories.”

“The more we tune in to these subtle feelings, the more deeply we can understand our surroundings and the people in them. What gave you that feeling? Was it the way someone’s eyes lit up when they smiled? The scent of freshly brewed coffee that brought a sense of comfort? Or perhaps the distant echo of a song that stirred up a forgotten memory?”



ERNEST HEMINGWAY ON OBSERVING & EMOTIONAL AWARENESS

“Being observant and emotionally aware in this way takes practice, but it also transforms the way you move through life. You become more sensitive, more attuned, more aware.”

“You start to notice the way a friend’s voice softens when they’re talking about something they love, or the slight shift in someone’s tone when they’re hiding something. You begin to see and feel things that others miss entirely, and that awareness can lead to a richer, more connected experience of the world.”

“It’s a beautiful thing to be a person who listens with their heart, who observes deeply, and who feels fully. It means you’re not just drifting through life; you’re living it intentionally. You’re soaking in the fullness of each moment, aware of the beauty and complexity around you. It means you understand people better, because you’ve made the effort to see and hear them, to pick up on the nuances of their being. It means you can be the kind of person whose presence feels calming, because people know you’re truly there with them, not just waiting for your turn to talk or half-heartedly engaging.”

SIGHT

A Hawaiian sunset, an abandoned house, a dead carcass on the highway, an intimate candlelit room or a flag-draped coffin.

What visuals create a response in you?

Explore different images to see which ones move you.

Chances are they will move the jury too!



Examples:

“His palms were shaking and soaked in sweat.”

“The room looked like it hadn’t been cleaned in months.”

“He could tell that she was holding back tears.”

ERNEST HEMINGWAY CLOSING REMARKS

“So, when you’re in conversation, let go of the urge to plan your next statement. Take a breath, relax your mind, and give the person speaking your undivided attention. Let yourself be present, fully. When you walk into a room, slow down and really see it. Observe the details, feel the energy, notice the small things that make that moment unique. You’ll find that life becomes richer, fuller, and more meaningful when you learn to listen and observe completely. It’s not just about hearing words or seeing objects—it’s about feeling the fullness of everything around you. It’s about experiencing life, deeply and completely.”



REVELATION OF THE UNIVERSAL IN THE PARTICULAR

This phrase describes a powerful idea in art, literature, rhetoric, and even trial advocacy: A single, concrete, specific instance can reveal something true about everyone.

Here's what it means in practice:

1. "The Particular"

This refers to a specific detail, moment, character, image, gesture, or fact.

Example: the sound of a father's keys in the door, a juror's worried glance, a witness's trembling hand.

2. "The Universal"

This refers to the broad human truth or theme that resonates across people and situations—fear, hope, betrayal, loyalty, justice, grief, safety, love.

3. The Revelation

When you choose the *right* concrete detail, it doesn't stay "small." The audience (reader, listener, jury) recognizes themselves in it. A single image becomes emotionally and intellectually expansive.

In literature:

A short description—say, a child hanging onto a parent's coat—reveals something universal about dependence or security.

In rhetoric/trial law:

A specific fact in evidence can evoke a universal truth jurors already know from their own lives.

For example:

Particular:

“He pressed the brake pedal, but the van lurched because the restraints were never secured.”

Universal:

“We all trust others to keep us safe when we’re powerless.”

That’s the universal emerging from the particular.

Why it matters

People don’t respond to abstractions. They respond to *moments they can picture*—moments that feel like their own.

The great communicators (including trial lawyers) make the specific do the work of the general.

Here are three clear trial-advocacy-focused examples that illustrate this concept:

Example # 1

Particular:

“The EMT wrote that when he arrived, my client was still sitting in the crushed driver’s seat, gripping the steering wheel so tightly that his knuckles had turned white. He wouldn’t let go—not because he didn’t want to, but because he *couldn’t*. His hands were locked from fear.”

Universal revealed:

Everyone in the jury has felt that instinctive, bodily fear—the moment your body reacts before your mind can. They know what it is to grab onto something when the world suddenly feels unsafe.

How it works in argument:

You never say, “Fear is universal” or “Anyone would be terrified.” Instead, you show it through the specific image of the client frozen in the seat, hands clenched.

The jurors recognize the universal truth without you declaring it.

Example # 2 (civil negligence)

Particular:

“The maintenance log shows that every night for five months, employees walked past the same broken step. Nobody fixed it. They just put a piece of cardboard under it to keep it from wobbling.”

Universal revealed:

Everyone knows what it feels like when someone cuts corners on safety—when a business treats people’s well-being as an afterthought.

Again, you don’t argue the universal outright. The particular detail *invokes* it.

Example # 3 (criminal defense)

Particular:

“When Officer Ramirez asked him the question, my client didn’t answer right away. He looked down at his shoes, then back up. That’s not the look of someone trying to invent a lie—that’s the look of someone trying to remember the truth from a night he’d rather forget.”

Universal revealed:

We all know that moment when we’re trying to piece together something embarrassing or painful—it comes with hesitation, not confidence.

RHETORIC IN ACTION

Let me take you back to April 3, 1968, the day before Martin Luther King, Jr. was shot. That evening, he delivered one of my favorite speeches of all-time. In it, he talks about surviving an assassination attempt where a mentally ill woman stabbed him with a letter opener. It almost pierced his heart. Doctors told MLK that if he had sneezed, he would have died. The media caught wind of it and MLK received a letter from a nine year-old Caucasian girl that said, "I'm glad you didn't sneeze." Martin Luther King then delivered his speech about all of the progress made by the civil rights movement since that time. He prefaces everything by saying, "I too am glad I didn't sneeze because If I had sneezed I wouldn't have been able to tell you all about a dream that I had."



MLK connected a mundane and nettlesome part of our existence — a sneeze — to something that we care deeply about, a pivotal moment in U.S. history: the Civil Rights Movement.

Speech writers refer to this concept as, “ladders of meaning” focusing on the two extremes of a conventional ladder (i.e., the highest step and the lowest step). At the very bottom of the ladder are basic details. At the very top of the ladder are big values that touch us in that soft, unprotected place where our decisions are made: the heart. When you look at good speeches, a definite pattern emerges.

Everything exists on either the lowest or the highest rungs. In other words, they’re either very specific personal details or big meaningful values.

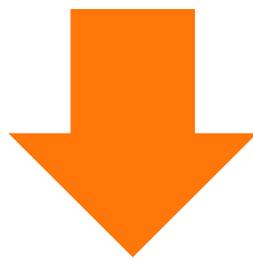
Using MLK’s speech as the paradigm, the sneeze, that mundane and nettlesome part of our existence would sit on the lowest rung of the ladder while the civil rights movement, the largest social movement of the twentieth century would sit atop the highest rung of the ladder. There is also another technique that MLK employs that cannot be overlooked. It’s called, “visual imagery.” Very simply, audiences prefer pictures instead of words.

As a general rule of thumb, if you can’t show your audience a picture, the next best thing is to create pictures in their minds through the use of action verbs.



Circling back to MLK's speech, the image of a man sneezing is something tangible and concrete that can be easily visualized. But what about those things that are harder to picture but that are still important, such as the civil rights movement? It's neither a tangible object nor an action verb. Yet its historical significance is unparalleled. Indeed, it is one of the most important events in U.S. history.

By tying it to such a high-stakes story as his assassination attempt, MLK was able to attach a visceral feeling to it that triggered a huge emotional response.



Weaving these two tools into the fabric of your speech packs a one-two punch that is remarkably powerful.

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