



Re-Discovering, Honoring and Exploiting Your Fabulously Female Presentation Skills

by Katherine James, Founder
ACT of Communication®

Program: Minority Caucus and Women Trial Lawyers Caucus

Date: Monday, July 22, 2013

Time: 11:15 am

Session Title: What's Unique About Women? Developing and Honoring Your
Presentation Skills

Introduction

Did you become an attorney because you “like to play hardball with the big boys”? Finding that when you played with them...you became one of them? But somehow – since you aren't actually one of them (you know – the part where you are a girl?) you had to give some thing or things up? Maybe something that is long forgotten. Or oft told is “bad”. Or even something you “excised” out of your presentation in courtroom, deposition room, and negotiation because “they” told you that it made you “not as good of a lawyer”? Wait – “not as good of a lawyer” – as whom? One of the boys?

Let's explore some of the mad presentation skills that women lawyers have – “from birth” – as women. Gifts that need to be re-discovered from the depths in which women lawyers have buried them, honored for the good things they are (as opposed to bad things women lawyers have been taught they are), and learn how to exploit the living daylights out of them for the sake of women lawyers and their clients.

Vocal Inflection – Reclaiming “Upspeak”

“Don't talk like a Valley Girl!”

“You sound tentative – like you don't believe in what you are saying!”

“It's like you are questioning whether or not you have a right to speak!”

Women have been told for decades that their natural inclination to use a rising inflection is a defect that should be waxed out of their voices before they go to court

like unwanted facial hair should be waxed off their upper lips before the prom.

Remember the first time someone scolded you about your use of the rising inflection at the end of a sentence? Remember how confusing it was to you? Remember how you worked like a good girl to dump that disgusting “habit” of allowing your voice to rise at the ends of your sentences?

Two bad things happened to you when you did this.

First, it made it so that you couldn’t ask a question with a rising inflection in court, in a deposition, or sometimes in life. Questions (and let’s face it, being a lawyer means asking questions out loud to people A LOT) are naturally asked with a rising inflection in almost every culture in the world:

“Honey, do you love me?”

“Where did you hide the remote so the dog wouldn’t eat it?”

“Do these pants make me look fat?”

Questions in court should be asked with a rising inflection:

“What color was the light when you stepped into the crosswalk?”

“When did you first notice the bed sores?”

“Where was his hand touching you?”

How many women lawyers fight their natural tendency to make questions rise at the end because some guy has told them to use a downward (falling) inflection every time they speak? Women have a natural gift that allows them to be superior to men when questioning witnesses. It is time to exploit, rather than eliminate, this valuable gift in the courtroom and deposition room.

The second problem with banishing our wonderful tendency toward speaking in rising inflections is that it diminishes our great gift of consensus building. Women use their voices to say, “Are you with me? Do you get it? Are we all on the same page here so we can move on?” We just don’t voice those words. We imply those words with our inflections. It means that part of your opening might sound like this:

“And the nurse? The one who was supposed to be in charge of Ellen while she was in labor? The one who was supposed to be looking out for the safety of baby Sara? Nurse Siddons?”

This is not a bad thing. Enjoy it. Ride it. You are saying with your voice, “Are you with me? Do you see it? Isn’t this insane?” Now hit them with a falling inflection: “She was asleep in front of the television in the lounge.” Back to rising inflection:

“Sara’s brain was crying out for oxygen?” Back to a well-placed falling inflection:
“Nurse Siddons wanted to see whether or not Andy Dick was eliminated from
Dancing With The Stars.”

Vocal Placement and Projection – Tune Into My Channel

“You really need to work on your voice it isn’t strong enough.”

“You really need to work on your voice it is too high.”

“You really need to work on your voice it can’t be heard.”

Everyone says that to pretty much every woman I have ever met. Including me. “I can hear Alan (my husband, Alan Blumenfeld, he of the brilliant booming masculine voice) when you teach together, but it is harder to hear you.”

Now, let’s face it. I don’t have just any voice. I have the well trained, well placed voice of a classically trained theater actress. I warm it up and work on it every day. I can “project” and be heard in a two thousand-seat theater without the amplification of a microphone.

First things first. You need to have trained your voice like an actor to be a great trial lawyer. That’s the truth. Once you have the strongest, best placed voice you can have you are ready to use one of our great communication devices – “the move and smile”.

How did I re-acquaint myself with “the move and smile”? I realized that when I was acting onstage with Alan no one ever said, “We can’t hear you. We can hear him just fine, though.” It only happened when we were teaching together. It got to the point where I would say, “I want a lavalier mike. No – don’t put one on him. Just me.” That way my voice was equal to his. We were “on the same channel” so to speak.

Then I realized that the difference between acting and teaching lawyers in a workshop was that onstage our lines came one at a time. My line, his line. The audience was “in tune” with the sound of my voice and the logical change of “He’s talking – now, she’s talking – now, he’s talking again” allowed the audience to switch from one to the other. I started thinking of it like radio channels – just like the difference in the radio channels we Alan and I prefer listening to in real life. Alan’s channel (NPR), my channel (Broadway Show Tunes). The theater audience easily switched back and forth between our vocal channels because they were expecting to. I also realized that onstage, part of how the audience knew I was going to speak was that I often made a move or some kind of a gesture first – a physical indication that it was “my turn”. I started applying this to our teaching situation. Alan would be talking. I wanted to add something. I would move forward two steps, extend my hands, smile – and all eyes were on me. Pause briefly while the workshop

participants “tuned into” my channel. Then I spoke. Eureka! “The move and smile”!

Why the smile? Because it is the way we have gotten attention from men and women for years. “Hi! I’m smiling at you! I’m not a threat to you – I want to be your friend!”

Here’s an example of how “the move and smile” works in court. Say you need to object. Big booming voiced man is saying something objectionable and you stand up (the move), you smile (the smile), and then you say, “Objection, your honor!” Now pause, smile, make sure eyes are on you. Now state your objection. Everyone is now tuned into your channel and can, literally hear you.

Our Stories, Ourselves

“Coach always said....”

“It is about the length of a football field.”

“My client had the right to take a good, even swing at the ball.”

Right.

Their stories and language and metaphors fill law books.

Ours are just as good if not better.

“She waltzed in like the head cheerleader into the locker room after the big game.

“It was about the length of the walk between Macy’s and Target in the mall.”

“He says he found it ‘too hard to do’. You know. Like when you get home and the babysitter says, ‘sorry, it was too hard to get your kid to sleep so that’s why we are watching Conan together.’”

Got it?

Body – You Are Absolutely Right...I Do Look Great

“Suck in your stomach. Your clothes look better.”

“Good girls keep their knees glued together.”

“Don’t stand with your hands on your hips defiantly when you talk to me, young lady!”

How are we strongest and bravest and truest?

With our feet flat on the ground, shoulder width apart, standing tall, shoulders - relaxed and down, stomach released and breathing, smiling. Confident. And, yes,

with our hands on our hips. It is our natural “I am so pleased with what I just did” position.

I just had occasion to look at a number of pictures from the past as my mother and I were putting together the photos for my father’s video montage for his memorial service. “There’s my grandma!” she said joyfully, picking up a photo of my great grandmother, her beloved grandmother. It is the end of the nineteenth century and Minnie Milkey is looking at the vegetable garden she has just hoed. Feet apart, hands on her hips, standing relaxed and tall (as a five footer can be), a Mona Lisa smile on her lips. A few photos later I say, “There’s my grandma!” It is my mother’s mother, Louise Shaw, surveying the groaning table she has laid for Thanksgiving. Feet apart, hands on her hips, standing relaxed and tall (as a five foot two incher can be), a Mona Lisa smile on her lips. Then we come upon the picture of my mother, beaming with pride at six month old me, sleeping in the middle of a perfectly clean square blanket in the backyard. Feet apart, hands on her hips, standing relaxed and tall (as a five foot three incher can be), a Mona Lisa smile on her lips.

Is it because all three generations of these women are genetically linked? No. They are female-ly linked. We love it when we do something great – plant a garden, prepare a meal, put a baby to sleep. And we love to stand back and enjoy it. It feels like pride in our accomplishments expressed physically.

Get a picture of Lynda Carter as Wonder Woman. Stand like that. Doesn’t it feel great? When you look at Superman standing like that, doesn’t he look boastful and filled with pride? Can you see the difference between, “I love what I just did!” and “I am here to take over!”?

Stand like this. Every day. For a little bit of time. Do it while thinking about what you’ve done that you are proud of. Now, just drop your hands to your sides.

This is how you should stand in court. Open, proud, free, confident.

Dress – So Glad I’m Not Stuck In A Boy’s Suit Like You Are

“No monogrammed cuffs or flashy watches.”

“Wear a ‘true blue suit’ for closing argument.”

“I have a special suit for settling cases I call my ‘no f—ing around suit’.”

Yes, boys have lots of opinions about what to and what not to wear as an attorney and no doubt you’ve gotten to hear a lot about it just as I have.

How many designers right now are trying to sell you the perfect female version of the

perfect man's suit? Lots and lots and lots. Why? Because we've been brainwashed into thinking that what boys wear is what we should wear. Funny, we don't think that in the rest of our lives – just professionally.

When I go to court as a trial consultant, I wear little black pant suits so that I'll blend in with the paralegals on the trial team. "Don't look at me, I'm nobody, I'm just the help," is what my clothes whisper. Imagine my shock and dismay when I see women attorneys dressing in the exact same "like boys but for girls" inconspicuous schemata I have on.

No, no, no. Girls love clothes. This is a good thing. You need to exploit the fact that you are happy that lime green is "in" this season outside of your professional life.

Dare to do something the boys don't do. Get your colors done by a professional. Seek the help of a professional fashion coordinator. Look for someone interesting who is designing clothing for professional women. You know how cool Michelle Obama looks? Guess what – she's a lawyer with someone helping to dress her.

Why not just do it yourself?

Because on some level you have been "conditioned" like a rat in a maze that you need to dress like they do. The opposite is true. Men are stuck with the same thing they have been wearing since the doublet and hose went out of style. You are not!

Demeanor – Finding Your "Inner Justice Mama"

"Careful – you sounded like a beyatch during your opening."

"You'd better lighten up – otherwise they'll think you are a beyatch."

"Be nice – no one likes a beyatch"

When my now grown up lawyer son was two and a half years old he went to nursery school. When I picked him up after the first day, I said, "How was school, sweetheart?" He said, "Great. But you know girls?" I said, "Yes, I know girls." He said, "Girls are bossy." I managed not to say out loud what I was thinking which was, "Of course we are, because without us nothing would get done right."

Ah, girls. "Okay. We are going to play house. I am the mommy, you are the daddy. Sit on the chair. No, not that one. The one by the table. No, not like that. With your hands folded on the table. Like this. Now, I say, 'Don't make noises while you chew like that!' and you say, 'Yes, sweetheart, whatever you say' – wait – where are you going? Come back here and sit down!"

How do we take this natural gift – the gift of knowing exactly how things should be done -- and use it in our practice of the law?

Let's start with the fact that you know exactly what should happen in every case you have right now, ever did have, and ever will have. This is a good thing. What needs to change is the packaging. By this I mean your demeanor – your “style” – how you act.

Do not allow your “Inner Lucy” from Charles M. Schultz’s Peanuts comic strip lay out the perfect plan. Instead, you need to find your “Inner Justice Mama” and let her run the show for you.

Is your “Inner Justice Mama” a kind and benevolent warrior goddess who has come to make sure the community (represented by the jurors and client) is protected from the evil doers (the defense team)? Is she a compassionate and caring Earth Mother (of the jurors and the client) who needs to set the jurors on the pathway of justice? Is she the Best Friend who is crazy about you (the jurors) and will help you through any ordeal (figuring out who is right and wrong in this case)? Or...is she yet someone else who you are creating even as you are reading this?

How would your “Inner Justice Mama” act? What words would she choose for this *voire dire*?” How would she treat the defendant while cross examining him?” How would she turn over the responsibility of the fate of the plaintiff to the jurors during rebuttal?

Conclusion

Women have amazing presentation skills that we were given as soon as our chromosomes showed up as double “x”. Gifts of how our voices and bodies work to make ourselves understood, of how and why we feel on top of the world, of how we love to dress up, of inspiring ways of acting and being. Embrace them and use them in your practice of the law – let your “Inner Justice Mama” lead the way. You and your clients deserve it!