



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE



Public Speaking for Attorneys

The Art of Public Speaking
& the Power of Persuasion

Resource Handout



P877.858.3848 F877.858.3849
5660 Skyway, Ste. C
Paradise, CA 95969

Public Speaking for Attorneys

Table of Contents

BE HEARD: Public Speaking Tip Sheets	
BE HEARD: Know Your Audience	1
BE HEARD: Organize Organize Organize	2
BE HEARD: Requires Better Delivery	4
BE HEARD: The Power Point Check List	6
BE HEARD: Panels... Good to Great	8
BE HEARD: Good Moderating Takes Skill	9
BE HEARD: How to Get the Most Mileage out of a CLE Presentation	10
BE HEARD: How to ensure you aren't invited back to speak at an event	12
BE HEARD: Image – Pay Attention	13
Rhetorical Techniques	15
Public Speaking Guides and Quote Resources	20
Common Mistakes Public Speakers Make	21
Law and Motion Hints and Tips	22
Classic Organizational Patterns	24
Tips to Overcoming Fear of Public Speaking	25
Impromptu Speeches and Unique Settings	29
Overlooked Delivery & Organizational Issues: PowerPoint, Handouts, Organizing Your Speech	31
Additional Guidelines for Using Visual Aids	33



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE

Faith Pincus, CEO
Pincus Professional Education & Finz Advance Tapes
faithpincus@PincusProEd.com
877-858-3848

Faith Pincus is an accomplished and experienced speaker who will boost your self-confidence and give you the tools you need to succeed at public speaking. Faith has trained CEO's, attorneys, elected and appointed officials, candidates, and management at non-profit associations for more than two decades. As a licensed attorney and former Federal Law Clerk she is also uniquely positioned to understand the speaking skills required of attorneys.

Faith has an innate ability to see what works in the public speaking context. She has an unbridled passion for public speaking and for helping people become better communicators. Faith is an expert in the art of persuasion and an accomplished speechwriter.

Her book, tentatively titled "Be Heard: Public Speaking for Attorneys," will be published by the American Bar Association and her DVD, teaching Public Speaking for Attorneys, is currently available online.

Faith is available to teach seminars on-site and coach individuals and small groups to become more powerful, effective public speakers.

Prior to opening Pincus Communications, Inc. and Pincus Professional Education, Faith ran more than 25 political campaigns, including campaigns for congress, the California state assembly and senate, and various mayoral, city council and county supervisor races throughout California. When she was a political consultant, Faith created public affairs campaigns for a variety of industries, corporations and associations.

Faith previously taught communication courses at the university level, including rhetoric (persuasion), public speaking, and interpersonal and small group communication. She has published a variety of articles on communication and persuasion, including an analysis of major war announcement speeches.

Faith has a Masters in Communication from the California State University at Fresno and a Juris Doctorate from the University of Iowa. She is a former Judicial Law Clerk for the Honorable Oliver W. Wanger of the United States District Court, Eastern District of California and a Member of the Order of the Coif. Ms. Pincus litigated for one of the top Am Law 20 law firms before creating Pincus Communications, Inc. and Pincus Professional Education.

For more information and testimonials about Pincus Professional Education, see www.PincusProEd.com.

For more information about Faith's newest company, Finz Advance Tapes, see www.Advance-Tapes.com. Finz Advance Tapes provides monthly audio summaries of the latest case law in CA related to Torts, PI, Evidence, Civ Pro and Discovery and in the 9th Circuit on Immigration. Summaries are available individually or by annual subscription. Available online and by CD. Additional topics on the horizon.

Blog: www.SpeechAdvice.com www.FinzBlog.com LinkedIn: www.Linkedin.com/in/faithpincus
Facebook: www.Facebook.com/PincusProfessionalEducation (like us for news and discounts)



Public Speaking Coaching for Law Firms, Bar Associations, and Public Agencies: Retainer Contracts

Six month retainer contracts are available to bring Pincus Professional Education in to coach your attorneys as needed, upon demand. Please call to discuss fees.

Includes:

- 1 live in-person half-day training seminar per year to your speakers;
- 1 live in-person day of one-on one coaching for your speakers in a small group setting (approximately 8 - 10 speakers can be coached in one day);
- 1 in-person day of coaching, as needed, per month;
- License to use Public Speaking for Attorneys DVD & Resource Handout throughout the firm for duration of retainer; and,
- Phone/email coaching for speakers as needed, which includes reviewing their outlines and working with them to improve their presentations.

Business Class travel expenses are billed at cost and are not included in the retainer fee.



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE

The Art of Public Speaking and the Power of Persuasion

Testimonials

*"Faith ... did an excellent job!!! We were all very impressed and most importantly, we learned a lot. It really brought the rest of our day together." - Jane Warner, **Executive Director, American Diabetes Association***

*"Your presentation was excellent and received high marks from employees of both our headquarters and regional offices. Your speech was relevant and thorough, offering useful tips that our employees could take back to their worksite and use on a regular basis." - David F. Black, **General Counsel, United States Social Security Administration***

*"In the workshop, you quickly helped attorneys break old habits and transform their presentations, while boosting their confidence in their public speaking skills" - Anthony Grumbach, **Director of Professional Development, Farella Braun + Martel***

*"Both speakers were excellent and the content was exactly what I was looking for. **There was no wasted time, I learned a lot, and I was inspired to take the recommended actions!**" - Marcia Augsburg*

*"**Because of this seminar I am more confident about my speaking abilities** and I also have practical tools that I can implement to help me continue to improve. Bravo Pincus!" - Karen Simpson*

*"**Very well done and helpful for all day to day business communication.**" – Stan Lazar, Esq.*

*"**Awesome job! Thank you!**" – Melissa Roth, Esq.*

*"This was my first time taking a public speaking seminar. I just wanted to be aware of basic skills to help enhance my ability to present in the board room. **This was an excellent experience!**" – Lisette Kelly, Esq.*

*"**A 3 1/2 hour bang for the buck!**" - Karen D. Hill, Esq.*

*"I wanted to develop more confidence in my speaking and **this program gave me the tools to increase the effectiveness of my presentation skills and gave me more confidence.**" - Jeremy Glaser (re: seminar and coaching)*

*"... Faith did an excellent job! I have been practicing law for nearly 30 years and your analysis and suggestions were very informative. **The course should be required for all attorneys.**" - David Birka-White, Esq.*

*"**As an attorney of 30 years experience, I rate this as one of the finest learning experiences for anyone practicing litigation.**" - Anthony Gordon, Esq*

*"**I was extremely pleased and my personal expectations were exceeded.** Excellent materials. The literature was right on! I am at a loss to provide suggestions for improvement. Your seminar was incredible." – Mark Abraham, Esq. Chicago, IL (Part I seminar and Part II coaching)*

"I just gave my first presentation using the principles you taught and it made a **BIG** difference! Now, I didn't do **EVERYTHING** you taught... but I did restructure that presentation into 3 concepts... made lots of eye contact and used great summary intros and conclusions... it went very well. Thanks again for your seminar!" - Caroline Galanty, **Asst. General Counsel, Bank of America Legal Dept.**, Los Angeles, CA

"It has been great... my goal is to be a more effective speaker and **I feel much more comfortable giving a presentation now.**" - Jim Horen (re: coaching session and seminar)

"I liked both speakers very much. They were excellent, dynamic speakers and teachers. **I would recommend the program to others.**" – Dianna Mitchell, Esq. Chicago, IL

"Very good - **I'll use your techniques in court, CLE, and community events.**" - Cynthia M. Reed, Esq.

"Very well presented. You are ... quite accomplished, **great energy**, lots of direct and practical tips." - Randy Holliday, Esq.

"Faith Pincus speaks eloquently and effectively on a key topic to all lawyers: how to make oneself a successful public speaker. **In a few short hours, Faith gave all our firm's lawyers a basic skill set they will carry with them for the rest of their careers.**" - Scott McNutt, Esq. McNutt & Litteneker, LLP, San Francisco

"Excellent presentation with great tips for speaking. **Very helpful** organizational skills. I very much enjoyed the one-on-one coaching and the small group format. The critical comments were extremely helpful...The two-day program was appropriate." – Dan Anders, Esq.

"**Extremely polished and effective, yet very natural, funny, and engaging.**" - E. Denise Schissler, Esq.

"**The program exceeded my expectations.** The variety of learning experiences – small group coaching and one-on-one coaching was very helpful. I know I have improved as a result of the program. It also took a lot of the anxiety out of the preparation by giving me concrete tools, strategies and tips to use...**Excellent! Engaging, helpful, organized.** – Erica A. Rogina, Esq. Chicago, IL

"**This was an excellent program!**" - Peter Bonis, Esq. (re: coaching program and seminar)

"**Energetic, knowledgeable, and credible.** I will use lots of the techniques I learned." - Rosemary M. Rivas.

"The program was **very useful and well organized.**" - Karla Y. Pleitez, Public Counsel

"I want to personally thank you for your help in preparing for my presentation for the National Conference on Equine Law. **Thanks to your video tips and the suggestions you gave me on the phone, my presentation was a great success! I had numerous people tell me... my presentation was the best ...**" - Alison Rowe, Esq. Texas

"Faith is **animated and enthusiastic, and that's infectious.**" - Kevin McKeown, LexBlog, Inc.

"This was an **excellent** presentation. The material was **well-organized and memorable.** The actual presentation exemplified the material. **You not only told us what to do, you were showing us at the same time.**" - George Kresovich, Esq

"The speaker is **outstanding!**" - Thomas P. Ward, Esq.

"It is quite obvious that she **knows her topic** very well and can deliver it well." - Katrina S. Zafiro, Esq.

"I really enjoyed the presentation. **I will recommend to co-workers.**" - Barbara Harper, Esq.

"Very well done." - Corrine Dixon

Public Speaking for Attorneys

DVD Package

Public speaking and oral argument are acquired skills.

Unfortunately, they are not taught in law school. In a very short period of time, this course will give you basic and advanced public speaking techniques that are guaranteed to improve your public speaking skills.

Learn how to use your voice, your words and your body to enhance your presentation style and get your message heard. Get tips on oral argument, opening statements, and organization. Learn how to give a better presentation before the court, your clients, potential clients, a bar event or your team. This program will help you improve your oral presentation skills on a variety of levels.

Topics covered include:

- The three most important things you need to know about public speaking
- The most common mistakes attorneys make
- The best and easiest ways to organize your presentation
- Catchy introductions – first impressions count
- Making your conclusions memorable
- Tips and tricks to help you improve your style with a more dynamic and effective delivery
- Motion/Appellate Argument do's and don'ts (with tips from more than 30 judges)
- Conquering your fear
- Using visual aids to your advantage
- The best use of handouts and how to avoid speaker's death by handout
- How your image and style affects your audience
- The best way to handle questions and answers (in or out of court)

SPECIAL!

**50% off
DVD & course
material package:
\$147.50**

*regularly priced at \$295
(plus shipping and applicable sales tax)
coupon code PS30*

What our attendees say:

"A 3 1/2 hour bang for the buck!"

— Karen D. Hill, Esq.

"As an attorney of 30 years experience, I rate this as **one of the finest learning experiences** for anyone practicing litigation."

— Anthony Gordon, Esq.

"I was extremely pleased and my **personal expectations were exceeded.**"

— Mark Abraham, Esq.

Taught by Faith Pincus, Esq.

Author of the upcoming ABA book tentatively titled:

**"Be Heard:
Public Speaking
for Attorneys"**

Call toll-free 877-858-3848 or visit www.PincusProEd.com



5660 Skyway, Suite C | Paradise, CA 95969 | 877.858.3848

**This course
approved for:**

✓ 3.5 hours MCLE
credit in CA, IL & WA

FACULTY

Faith Pincus, Esq.

President, Pincus Communications, Inc.
Author of the upcoming ABA book tentatively titled:
"Be Heard: Public Speaking for Attorneys"

Faith Pincus is an accomplished and experienced speaker who will boost your self-confidence and give you the tools you need to succeed at public speaking. Faith has trained CEO's, attorneys, elected and appointed officials, candidates, and management at non-profit associations for more than two decades. As a licensed attorney and former Federal Law Clerk she is also uniquely positioned to understand the speaking skills required of attorneys.

Faith has an innate ability to see what works in the public speaking context. She has an unbridled passion for public speaking and for helping people become better communicators. Faith is an expert in the art of persuasion and an accomplished speechwriter. Her book, tentatively titled "Be Heard: Public Speaking for Attorneys," will be published by the American Bar Association in 2011 and her DVD, teaching Public Speaking for Attorneys, is currently available online.

Prior to opening Pincus Communications, Inc. and Pincus Professional Education, Faith ran more than 25 political campaigns, including campaigns for congress, the California state assembly and senate, and various mayoral, city council and county supervisor races throughout California. When she was a political consultant, Faith created public affairs campaigns for a variety of industries, corporations and associations.

Faith previously taught communication courses at the university level, including rhetoric (persuasion), public speaking, and interpersonal and small group communication. She has published a variety of articles on communication and persuasion, including an analysis of major war announcement speeches. Faith has a Masters in Communication from the California State University at Fresno and a Juris Doctorate from the University of Iowa. She is a former Judicial Law Clerk for the Honorable Oliver W. Wanger of the United States District Court, Eastern District of California and a Member of the Order of the Coif. Ms. Pincus litigated for one of the top AmLaw 20 law firms before creating Pincus Communications, Inc. and Pincus Professional Education.

For more information and testimonials about Pincus Professional Education, see www.PincusProEd.com. For more information about Faith's newest company, Finz Advance Tapes, see www.Advance-Tapes.com.

"We were all very impressed and **most importantly, we learned a lot**. It really brought the rest of our day together."

- Jane Warner
Executive Director,
American Diabetes Association

"I have been practicing law for nearly 30 years and your analysis and suggestions were very informative. **The course should be required for all attorneys.**"

- David Birka-White, Esq.

"Excellent! The content was exactly what I was looking for. There was no wasted time, I learned a lot, and **I was inspired to take the recommended actions!**"

- Marcia Augsburg, Esq.

"**Bravo Pincus!**" - Karen Simpson, Esq.

ORDER FORM

Name _____

Firm _____

Mailing address _____

City, state, zip _____

Daytime phone _____

E-mail _____

METHOD OF PAYMENT *Payment must accompany order.*

Check enclosed, payable to Pincus Communications, Inc.

Charge my MasterCard, Visa or Discover

Name on credit card _____

Billing address _____

City, state, zip _____

Card # _____

Visa/MC 3 digit security code located on back _____

Expiration date _____

Signature _____

"**Thanks ...my presentation was a great success!** I had numerous people tell me my presentation was the best and that I have great speaking skills! ...Thanks again."

- A. Rowe
Equine Legal Services, PC

SPECIAL!

50% off
DVD & course
material package:
\$147.50

regularly priced at \$295
(plus shipping and applicable sales tax)
coupon code PS30

Four easy ways to order

1. Mail: Pincus Communications, Inc.
5660 Skyway, Suite C
Paradise, CA 95969

2. Fax Fax completed form above to
877-858-3849

3. Internet: www.PincusProEd.com

4. Phone: (877) 858-3848



Public Speaking for Attorneys DVD Licensing Information

Law Firms, Corporations, Bar Associations and Public Agencies can now license our Public Speaking for Attorneys DVD on an annual basis. Licensing our Public Speaking for Attorneys DVD and CD allows you to show it to all of your attorneys in-house without limitation. We will send you up to ten copies, so you may place it on loan to multiple CLE speakers at the same time.

Annual licensing fees are \$4,000. For more information and to discuss this opportunity, please call us directly at (530) 877-8700.



One-on-One Speech Coaching

Public speaking and oral argument are acquired skills. Unfortunately, they are not taught in law school. We will give you basic and advanced public speaking techniques that are guaranteed to improve your public speaking skills. Learn how to use your voice, your words and your body to enhance your presentation style and get your message heard. Get tips on oral argument, opening statements, and organization. Learn how to give a better presentation before your clients, potential clients, a bar event or your team. We will help you improve your oral presentation skills on a variety of levels.

We provide a variety of options, tailored specifically to each client's needs, including:

- Conducting one-on-one and small group training sessions where each person gets individual attention. We start with the critical public speaking skills needed to accomplish our client's specific goals and move towards more sophisticated tools, depending upon the level of experience of participants.
- Working with clients to help them prepare a specific presentation such as an oral argument at court, speeches for various types of events (including CLE, Bar, etc.), Board of Director's meetings, community gatherings, staff motivation, and so on.
- Videotaping practice speeches and working with clients using those tapes as training tools.
- Evaluating previously videotaped speeches.
- Attending speeches and provide immediate post-speech training and feedback.

We also provide ongoing consulting (in person, telephone or via email) for any type of presentation preparation and post-presentation analysis, feedback and training.



****Mention this ad to receive \$250 off any in-house booking****

IN HOUSE TRAINING

Are you maximizing your in-house training capabilities?

If not, let us help you.

Let Pincus Professional Education provide tailored CLE programs to meet your on-site training needs and address the topics and practical education issues relevant to your law firm, corporate legal department or public agency.

We bring our speakers directly to your office or retreat with customized programs, including:

- Public Speaking for Attorneys and Executives
- One-on-One and small group communication coaching programs
- Taking Center Stage: Leadership Skills
- Ethics, Bias and Substance Abuse topics (1, 2, 3 or 4 hour programs, individual or combined)
- Marketing and Business Development programs
- How to Negotiate Anything
- Accounting for Attorneys
- Better Brief Writing
- Effectively Using Experts
- The Cocktail Party Phenomenon – a Novel Approach to Successful Networking

Convenient.... Tailored... Exactly what you need.

Call us today to see how we can help you maximize your on-site training programs.

877.858.3848

****Mention this ad to receive \$250 off any in-house booking****



BE HEARD: Know your Audience

Cheat Sheet

All successful speaking starts with the audience. As a speaker, you have a responsibility to figure out what your audience wants and needs from you. Then you create or modify your presentation from there.

Successful speakers meet the needs of their audience. Why? There's a popular saying that says, "Nothing so interests people as themselves." So your job as a speaker is not to talk about what you want them to hear, but to talk about what they want to hear.

And the benefits from speaking at various events and in various settings - reputation, referrals, business development, networking, and even your own personal satisfaction - are accomplished by meeting your audiences' needs. Fail that and, well, why bother?

So, you ask, how do I do that?

Here are just a few possible ways:

1. Ask the organizer/provider (whether bar or private or any variation thereof) to provide you with an attendance list. Have an assistant google the attendees and provide short bios and review the bios.
2. Ask the organizer/provider to send a 3 question survey via email to the attendees, asking them to reply directly to you (or use Survey Monkey). Keep the questions short and simple and use them to gather info you need to tailor your presentation. You should get at least a 30% response rate.
3. Show up a minimum of 30 minutes early and, instead of sitting at your panel table (boring and standoffish!), mingle with the audience. Introduce yourself. Ask a representative sample of attendees, one-by-one, why they are there, what they want to learn, what their biggest concern is regarding the topic. Don't answer their questions or get into a long discussion, tell them you just want to know more about them and what they want to know about.
 - a. And here's a side/related tip that will improve your delivery and your audience's response to you: create a seating chart before you start and discreetly write their first name and interest or practice are down on the chart. During your presentation, mention them by name, or call on them by name, it helps generate good will with the entire audience and helps them be more receptive to you and your message. Of course, do nothing to embarrass them.



BE HEARD: Organize Organize Organize

Cheat Sheet

1. Decide on the thesis, or purpose, of your presentation and write it down! It should be one sentence that you can say, out loud, without having to stop and take a breath will reciting it.*
 - a. I know, it sounds silly, but if you miss this step, you risk creating an unfocused presentation with too much in it that doesn't meet the needs of the audience. It's a necessary step and it's worth taking it. So, take a look at the following:
 - i. what do you know about your audience?
 - ii. what is the actual title and description of your presentation?
 - iii. what did the organizers tell the attendees you would cover (there is nothing worse than a speaker not addressing what was advertised).

And here's the important part: Keep going back to this as you create your presentation to ensure your speech is focused and accomplishes this goal.

Once you have created the presentation, go back to your purpose and make sure your presentation accomplishes it. Cut out all the stuff that is irrelevant and save it for another presentation.

2. Make sure you decide upon 3 main points. More than that and it will be hard for your audience to follow. Ditch those “top 10” or “20 reasons” or even “7 tips” speeches. After you’ve decided upon your purpose and gathered your materials, you want to focus on three main ideas to present. If you have information that doesn’t fit into these three main points, save it for another presentation. See #5 below for how to organize those points.
3. Create your Outline
 - a. Create your presentation as an outline. Start with a full sentence outline (you can even force a written out speech into this format).
 - b. Practice it.
 - c. Cut it down to a keyword outline - key words and phrases that will remind you about what you want to discuss with the audience.

Speaking from an outline, instead of a written out speech (or nothing at all), ensures you stay focused yet present in a conversational manner. I guarantee you that your audience will not appreciate you reading a script. They hate it.

4. PEP**

a. One of the most effective ways to present your ideas is the PEP method. Make your **P**oint, provide an **E**xample or **E**xplanation (a story, an anecdote, a metaphor, whatever it takes to help your audience relate to your information). Then reiterate your **P**oint.

5. Make a conscious decision regarding your organizational pattern – don't leave it up to chance. That's the way in which you decide to organize your three main points. There are a variety of options, but the easiest and best include:

a. Categorical / Topical. An example of this is the presentation I give on Public Speaking. I organize it by the following categories:

- i. Audience
- ii. Message
- iii. Image/Delivery

My AMI method of speaking is easy to remember and I cover a LOT of topics in 3.5 hours, but by the end of every program, my audiences remember that the three things they need to pay attention to when preparing a presentation are... Audience, Message, and Image/Delivery.

b. Sequential/Chronological. i.e. in order of occurrence.

c. Compare and Contrast.

d. Problem / Solution.

* Thanks go to Sandy Linville of Magalia, California, former Speech and Debate coach, for this tip.

**Attribution: This concept is not original. I learned it in graduate school almost two decades ago. Unfortunately, I do not recall from whom, other than it was a communications scholar.

BE HEARD: Requires Better Delivery

Cheat Sheet

If you are going to agree to speak, take the time to do it right. Or, as mentioned in a prior Pincus Cheat Sheet, why bother?

Delivery matters. Look at all the great political speakers of the last few generations. Were they boring? Did they stare at their notes? Did they avoid eye contact? Nope. Delivery matters. Always.

While an audience will forgive a lot with regards to delivery as long as your content and organization are stellar, they will not forgive a horrible delivery. Here are a few things you can do to improve your delivery. And remember, if you improve your delivery, your audience is going to be more interested in your presentation, more likely to learn from you, and more likely to remember you in a positive manner after the program. And yes, the opposite is true if your delivery stinks.

1. Make **eye contact** with your audience **as much as possible**. See the Organization Cheat Sheet to make this happen. In other words, use an outline and practice in advance. Don't read a speech. It's a rare individual who can do that with style and they still need a teleprompter to do so.
2. Prepare and practice **in advance**. There is no "easy button." You can't do it well if you don't prepare in advance and practice in advance. I guarantee it. And "advance" doesn't mean the night before your presentation.
3. Use **Rhetorical Techniques** to help your audience follow and comprehend you. i.e.:
 - a. Metaphors
 - b. Similes
 - c. Analogies (long metaphors)
 - d. Repetition ("I have a dream..." note... there are about 7 different types of repetition one can use)
 - e. Antithesis (If not now, when? If not here, where? If not us, who?)
 - f. Alliteration ("if the gloves don't fit, you must acquit")

For a full list, definitions and examples of available rhetorical tools, see www.AmericanRhetoric.com

4. **Stand up**. Move around. Do something interesting. Don't just sit at a panel like a talking head. Seriously. It's totally ok, to get up and move around or even just use a podium, even if your co-panelists don't follow suit.

5. ***Vary your vocals.*** Go faster at times. Slower at others. Pause for effect. Raise your voice once or twice to grab attention at important points. Lower your voice to make people lean forward and listen (don't do this often).

Vary your pitch, so you don't put everyone to sleep with a monotone delivery. And if you have this problem – get a vocal coach and learn how to speak without a monotone. It won't cost much and it will be worth it.

BE HEARD: The Power Point Check List

Cheat Sheet

If you are going to use Power Point or Key Note some other slide based program, follow these rules to make sure you don't commit speaker suicide by Power Point. Use it as a check list. We've even included little check boxes so you can make sure you're on track! Every box should be checked off by the time you are ready to speak.

1. Power Point is a *visual aid*. It is *not your presentation*. *This is your mantra. Do not forget it.*
2. Don't open up that slide program until after you have created your presentation. Create your outline first, then take a look at your points and see what ideas, points, explanations, etc. could use a visual to enhance your ability to communicate your message. Then find some good graphics – a photo, a cartoon, whatever – to visually represent the idea.
3. Don't put your outline in a Power Point presentation. If you want the attendees to have a copy of your outline, give it to them as a handout.
4. Do put a few choice words up with the graphic to help communicate your idea.
5. Don't use a ton of slides. Use only as many as you need to enhance your presentation and help you communicate your ideas.
6. Do use contrasting, but harmonizing (i.e. not clashing) colors, LARGE FONTS (at least 28pt), and test out your slides in a large room in advance to make sure they are readable at the back of the room.
7. Don't use bunch of different types of fonts – it's annoying.
8. Don't use all those nifty “animations” that keep buzzing on the screen when you are talking – it's distracting.
9. Do put up a blank slide when you are discussing something not on a slide – every time. Otherwise your visual will be in conflict with what you are saying.
10. Don't put your logo on every slide – it's unnecessary and detracts from your message. Make sure your handout has that information.
11. If you're using Power Point, show up a minimum of 30 minutes in advance to make sure everything works correctly and there is actually time to fix any problems before the program begins. If you don't, you have no one but yourself to blame if things go wrong.

If you want to really impress your audience, work on your content, organization and delivery more than your Power Point presentation.

If you want more ideas about using good graphics, read Presentation Zen by Garr Reynolds. Or just skim it.

And the most important thing you need to know? Don't sand bag the host or event organizer by showing up with Power Point on a flash drive right before your presentation and expect them to make it happen for you. Always tell your contact in advance and always use the Power Point deck you gave him or her to put in the handouts. Audiences hate it when their handout has one copy of Power Point slides and the speaker uses a different version. ***They seriously hate it.***

BE HEARD: Panels... Good to Great

Cheat Sheet

Ahhh, the “panel.” The bane of most attendee’s and program planner’s existence. Why do we say that you ask? Because unless panelists mix it up a bit, listening to a bunch of talking heads is pretty boring. So that’s your job – to ensure the panel is interesting, coordinated and interactive.

Here are some suggestions to help you next time you’re on a panel. Try them, your audience will like them. Hand this out to your fellow panelists too. Your audience will be happy you did.

1. Meet up with your fellow panelists for lunch or drinks at least two months in advance, if possible. Get to know them if you don’t already. Don’t make it all business – socialize. Panelists work better, and seem more connected, and have more fun if they have a passing acquaintance of their fellow panelists. It’s also a good networking tool.
2. Always have at least one conference call with your fellow panelists to ensure no duplication.
3. Put one person in charge of keeping time if there is no moderator. If there are judges on the panel, have the judge be this person – they’re used to it. Try the app “yellow card” which turns your smart phone into a green, yellow or red “card” to signal time is good, almost up and up, respectively.
4. Stay on time yourself. It’s just rude not to. Cut your presentation to stay on time if needed.
5. Stand up. Speak at the podium, or better yet, next to or in front of it. The audience will thank you.
6. Ask for a wireless microphone or lavalier *in advance* if you think you’ll move around and need it.
7. Speak to the audience, not to your fellow panelists, even when answering a panelist’s question. This is a very hard thing to do. But it is critical so that the audience can relate to you, and hear you, and it is especially important if the program is being recorded. When you turn your head, you aren’t speaking into the microphone.
8. Don’t let program/event organizers put you on a panel with four or five other people where you are all sharing one hour, unless you are all literally just there to answer questions and chat about your opinions. No one can cover anything of substance when dividing up an hour between four or five people. If there is only one hour, you shouldn’t have more than three speakers, though two is better. If you are going to have three to five speakers, make sure you have at least two hours to divide up your topics.
9. Despite #1 above, don’t turn your panel into a comedy routine. Mix it up a bit, have fun, lighten the mood, but don’t tell so many jokes or kid each other so much that you get distracted and take away from your messages.



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE

BE HEARD: Good Moderating Takes Skill

Cheat Sheet

1. Read the “**BE HEARD: Panels...Good to Great**” Cheat Sheet in this booklet and make sure everyone else on the panel has a copy too.
2. Arrive thirty minutes in advance and introduce yourself to at least ten individual audience members. Ask them why they are there and what they want to learn. You will help break down the audience/speaker barrier and break the ice, ensuring a positive reception from your audience. It’s also a great networking tool. It’s especially important if you are a judge (even though you don’t need to network).
3. Arrive prepared, with the Yellow Card app on your smart phone (and know how to use it), or note cards with time prompts you can pass to speakers to move them along or make them stop.
4. If you are also speaking on a topic, make sure you ask someone else on the panel to keep you on time.
5. Don’t let any one audience member hijack the program with questions that are off topic, too detailed/particular to their case, or with too many questions about a particular case.

The best way to handle this as soon as it starts is to tell the seminar hijacker some version of the following, “It looks like you have a lot of questions about a particular issue/case, or it looks like you know a lot about this specific issue, can you write down your questions and see me on the break? I’d really like to discuss this further with you, but we need to move on right now. Thanks!”

This way you give them validation without offense, and can move on. And of course, answer their questions at the break if possible and if not, get their email to answer them later.

6. Unless it is a really small audience, make sure you either repeat your audience member's questions, or they use the audience microphone.
7. And most importantly, keep things on track and on time. That’s your job! Fail it and you fail the attendees. Be ruthless with a speaker if you need to (not rude, just ruthless). Don’t be shy and don’t hesitate to rein someone in to keep things on track. The audience and the other speakers will appreciate it and you!



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE

BE HEARD: CLE for Business Development How to Get the Most Mileage out of a CLE Presentation

Cheat Sheet

You probably frequently read about how presenting at a Continuing Legal Education seminar (CLE) is a great way for an attorney to market his or herself. It is. It increases the attorney's visibility, expert status and referrals.

For example, you can read Tim Baran's post on this at The Lawyerist from a few months ago, "Use CLE Accreditation as a Marketing Tool." And I love "Speaking to Get Business" from way back in 2008 by Cordell Parvin - it is still completely relevant and true.

And I have had multiple speakers at my CLE programs tell me about business referrals they got after speaking at one of my CLEs. Yet, as a CLE Provider (50-60 seminars in 3 states) and as someone who trains people how to speak in public, there is one area of marketing I have noticed most CLE speakers simply neglect to do.

They don't promote their appearance in the program and they don't help promote the program.

There are several things a CLE speaker can do to get the most out of the time they are taking and the effort they are making to give a good CLE:

1. Once booked, send a one paragraph summary of the program and your involvement in it as well as the seminar website link to your marketing folks (if they exist). Ask them to post the program and link on your firm's website in the relevant "news" or "announcement" or "presentations" section. Follow-up and make sure it happens.
2. Ask your marketing people what they will do to help promote your involvement in the program and the program itself. If you are a solo or your firm is the size that doesn't include a marketing person, then have your IT person post it on your website and send it to your clients.
3. Add the engagement to your online resume/bio, with a link to the organizer's/provider's site.
4. Send an announcement about the program, with a direct link to the program registration page, to your contacts, close and not-so-close.
5. Send that same announcement to the firm's attorneys and ask them to send it around.

Some folks may not want to do what I describe in this Pincus Cheat Sheet. They may think it is the CLE provider's / Bar Association or Firm's job and why should the attorney make such an effort? It's a shortsighted approach for several reasons.

First, the more links on your website to the seminar, the higher the CLE program's website page gets in the SEO game (search engine optimization) and the more likely the program is to come up on the first page under a search on that topic.

Second, the more people who hear about the CLE, the more who will attend. And a larger audience gives you more opportunity to make a good impression as someone who knows their stuff (assuming you give a good presentation and you work the room in advance of the presentation).

Third, even if people you send the information to don't attend, they'll notice that you are speaking on the topic and will assume it is because you were sought out as an expert in that field. In other words, you still get the intangible benefit of increased name ID as an expert.

If you're going to go to the trouble of speaking at a CLE, whether for a bar association or a private provider like Pincus Professional Education, then use it for all it's worth.

BE HEARD: Cheat Sheet Series Bonus Page

How to ensure you aren't invited back to speak at an event 😊

In the spirit of David Letterman's Top Ten... here are the Top Ten ways to ensure you are not likely to be invited back to speak at an event*:

10. Spend the entire time you are on the panel eating snacks.
9. Interrupt the other speakers and monopolize the program (when on a panel).
8. Spend so much time reminiscing about your war stories that you don't cover all, or even most, of your topics.
7. Come unprepared and wing it. Similarly, don't provide quality handouts.
6. Bow out of an event after committing to the program, without providing a replacement speaker of equal credentials and quality.
5. Present a canned Power Point that you use all the time, but doesn't really fit your topic.
4. Arrive at the event a few minutes before you present with a Power Point presentation on a laptop, or worse, a flash drive, without having made any Power Point arrangements in advance.
3. Read your outline or Power Point to the audience.
2. Present on a topic other than what was agreed upon.

And the number one way.....

1. Show up late.

*This list is based on CLE speaker behaviors; it is not made up.



PINCUS

Professional Education

CLE THAT IMPROVES YOUR PRACTICE AND BOTTOM LINE

BE HEARD: Image - Pay Attention

Cheat Sheet

When speaking in public, you need to pay close attention to your image. This includes the way you dress, how you walk, your eye contact, leaning on the podium, etc.

Below are some guidelines on dressing for public speaking.

First, always dress for the occasion. This means dress equal to or better than you think the attendees will be dressed and pay attention to who your audience is. *You can always dress down* by rolling up your sleeves, taking off your jacket or tie, etc. , but it is very hard to recover from being under-dressed.

- Dark suits. No tan, white, pastel, purple or other outrageous or washed out suit colors. Period.
- Your blouse/shirt should have color, not your suit. This brings attention to your face, where the color is, not the other way around (draw people's attention to your face, not your clothes).
- Wear suits that fit your color scheme. Some women can wear red, the power color, most cannot. Some men and women look better in brown suits than black (blondes with light color skin for instance).
- Pay attention to who your audience is. A speech in front of college students warrants more casual, less intimidating attire – like a polo shirt and slacks. If you are in a lengthy trial, wear the same suits; you do not want to give the jury the impression that you are super “rich” or “fancy” and a new, expensive suit every day will do just that.
- If it's a TV interview: no white shirts, no pin stripes, nothing flashy or distracting.

While the following are general rules for men and women, the general concept applies equally to both: you want your audience to pay attention to what you are saying, not what you are wearing.

- Men
 - Make sure your tie is straight, no theme ties (no holiday, sports, or ties made by your kids).
 - Make sure your shoes are polished and there are no holes in the soles.
 - Nails must be manicured or at least neat.
 - No flashy watches. Cover up any tattoos with makeup unless you're speaking at a convention of tattoo artists or enthusiasts.
 - Men have a tendency to twist/play with their rings when nervous. If this is you, you need to work on this habit or not wear the ring when speaking.
 - Men, the disheveled, washed out, or semi-grungy or surfer look works fine on TV, but not in public or in the court room. Don't go with trends, go with a professional look. Only Quentin Tarantino can get away with looking like Quentin Tarantino.

- Women
 - Suit dresses are fine, as long as you keep the jacket on in the court room. Use your judgment regarding any other type of audience.
 - Nails must be manicured or at least neat.
 - Wear minimal jewelry. Make it conservative and non-showy. You don't want people paying attention to your jewelry instead of what you are wearing. So – no hanging earrings, simple necklace, no bracelets, nothing dangly and distracting.
 - Scarves are ok if they won't interfere with a microphone and are not distracting.
 - Hair should be neat and out of the way so you don't find yourself fidgeting with it, or needing to put it behind your ears all the time. Put it up if it is longer than shoulder length (not a ponytail).
 - Skirts must be proper, modest length, regardless of what you see on TV. Don't be the attorney who had a jury ask the judge to tell her to keep her legs crossed because her skirt was too short. (True story)
 - Wear professional pumps, not the latest fashion. i.e. platforms and sandals are totally inappropriate when speaking in public. I wouldn't wear peep-toe shoes in the courtroom either, no matter how great they look.
 - Make sure your shoes are polished and/or new looking.
 - If you have an older jury, wear a skirt suit instead of a pants suit, simply because it is what they expect, and again, you want them paying attention to what you are saying, not what you are wearing.

RHETORICAL TECHNIQUES

Audio samples of the various rhetorical techniques listed below may be found at AmericanRhetoric.com, specifically at:

<http://www.americanrhetoric.com/rhetoricaldevicesinsound.htm>

Additional sources for examples below are listed in parenthesis after the quote.

Metaphor: 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

"With this faith we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood."

-- Martin Luther King, I Have a Dream (found at http://www.youtube.com/watch?v=PbUtL_0vAJk and <http://www.usconstitution.net/dream.html>)

"At the dawn of spring last year, a single act of terror brought forth the long, cold winter in our hearts. The people of Oklahoma City are mourning still."

-- Al Gore, Oklahoma Bombing Memorial Address (found at <http://clinton3.nara.gov/WH/EOP/OVP/speeches/okcity.html>)

Analogy: resemblance in some particulars between things otherwise unlike

"I don't think there's anything certainly more unseemly than the sight of a rock star in academic robes. It's a bit like when people put their King Charles spaniels in little tartan sweats and hats. It's not natural, and it doesn't make the dog any smarter."

-- Bono, 2004 Commencement Address at The University of Pennsylvania (found at: <http://www.upenn.edu/almanac/between/2004/commence-b.html>)

"Don't worry about the future; or worry -- but know that worrying is as effective as trying to solve an algebra equation by chewing bubble gum."

-- Baz Luhrmann, Everybody's Free (to Wear Sunscreen) (found at <http://www.lyricscrawler.com/song/3953.html>)

"This is Orson Wells, ladies and gentlemen, out of character to assure you that the War of the Worlds has no further significance than as the holiday offering it was intended to be -- the

Mercury Theater's own radio version of dressing up in a sheet and jumping out of a bush and saying 'boo.'"

-- Orson Wells, original radio broadcast of The War of the Worlds (found at <http://www.scribd.com/doc/452997/Orson-Welles-The-War-Of-The-Worlds-The-ScriptCbs-Radio-Drama>)

"Wishing for the end to AIDS and extreme poverty in Africa is like wishing that gravity didn't make things so damn heavy. We can wish it, but what the hell can we do about it?"

-- Bono, 2004 Commencement Address at The University of Pennsylvania (found at: <http://www.upenn.edu/almanac/between/2004/commence-b.html>)

Rhetorical Question: a rhetorical question is one that requires no answer because the answer is obvious and doesn't need to be stated

"Sir, at long last, have you left no sense of decency?"

-- Joseph Welch, The Army-McCarthy Hearings (found at http://en.wikipedia.org/wiki/Army-McCarthy_Hearings)

If not now, when? If not here, where? If not us, who? [This is also an example of antithesis – using opposites]

Alliteration: repetition of usually initial consonant sounds in two or more neighboring words or syllables

"Isn't that what being an international man of mystery is all about?"

-- delivered by Mike Myers (from the movie Austin Powers: International Man of Mystery (found at <http://www.rpmswavs.com/apowersimm/index.html>)

"Somewhere at this very moment a child is being born in America. Let it be our cause to give that child a happy home, a healthy family, and a hopeful future."

-- Bill Clinton, 1992 Democratic National Convention Acceptance Address (video found at <http://video.aol.com/video-detail/1992-democratic-national-convention-bill-clinton-acceptance-speech/2283144477> transcript found at <http://www.presidency.ucsb.edu/ws/index.php?pid=25958>)

Epistrophe: the repetition of a word or phrase in one sentence is repeated in successive phrases, clauses, or sentences

"...and that government of the people, by the people, for the people shall not perish from the earth."

-- Abraham Lincoln, Gettysburg Address

"Now I want you to remember that no bastard ever won a war by dying for his country. He won it by making the other poor dumb bastard die for his country."

-- General Patton (audio clip on AmericanRhetoric.com delivered by George C. Scott, from the movie Patton) (transcript of speech at <http://www.ifma-austin.org/facs/Patton.htm>)

Assonance: repetition of the same or similar sounding of vowels in successive words

"The gloves didn't fit. If it doesn't fit, you must acquit."

-- Johnny Cochran, Closing Arguments from the O.J. Simpson Trial (found at <http://www.wam.umd.edu/~jklumpp/comm401/exercises/styleex.html> along with other exercises) (reported widely in different formats, see: <http://www.cnn.com/US/OJ/daily/9-27/8pm/> ; http://en.wikipedia.org/wiki/O._J._Simpson_murder_case)

Anadiplosis: the last word or words of a sentence are repeated at the beginning of the next sentence

"They call for you: The general who became a slave; the slave who became a gladiator; the gladiator who defied an Emperor. Striking story."

-- delivered by Joaquin Phoenix (from the movie Gladiator) (found at http://www.jimhull.com/Best_Movie_Lines.html)

Anaphora: when the first word or first few words of a sentence are repeated at the beginning of successive sentences

"We are a people in a quandary about the present. We are a people in search of our future. We are a people in search of a national community."

-- Barbara Jordan, 1976 Democratic Convention Keynote Address (found at <http://www.elf.net/bjordan/keynote.htm>)

"What we need in the United States is not division. What we need in the United States is not hatred. What we need in the United States is not violence and lawlessness; but is love and wisdom and compassion toward one another, and a feeling of justice toward those who still suffer within our country whether they be white or whether they be black."

-- Robert F. Kennedy, Announcing the death of Martin Luther King (found at <http://www.historyplace.com/speeches/rfk.htm>)

Scesis Onomaton: a form of repetition in which two or more different words having the same meaning occurs within the same sentence

"For whatever reasons, Ray, call it fate; call it luck; call it karma. I believe that everything happens for a reason."

-- delivered by Bill Murray (from the movie Ghost Busters) (found at <http://en.wikiquote.org/wiki/Fate>)

"Let there be no illusions about the difficulty of forming this kind of a national community. It's tough, difficult, not easy. But a spirit of harmony will survive in America only if each of us remembers that we share a common destiny"

-- Barbara Jordan, 1976 DNC Keynote Address (found at http://www.blackvoices.com/black_news/mlk/canvas/a/barbara-jordan-keynote-address-at-the/20060216100709990001)

Parallelism: repeated syntactical similarities of a set of words in successive phrases, with the same grammatical structure

"Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

-- John F. Kennedy, Inaugural Address (found at <http://www.bartleby.com/124/pres56.html>)

Personification: attribution of personal qualities or representation of a thing or abstraction as a person or by the human form

"Once again, the heart of America is heavy. The spirit of America weeps for a tragedy that denies the very meaning of our land."

-- Lyndon Baines Johnson (found at http://www.pbs.org/wgbh/amex/presidents/36_1_johnson/psources/ps_mourning.html)

"Such acts are commonly stimulated by forces of hatred and malevolence such as today are eating their way into the bloodstream of American life."

-- USSC Justice Earl Warren, Eulogy for John F. Kennedy (found at <http://www.jfklibrary.org/Historical+Resources/Archives/Reference+Desk/Eulogies+to+the+Late+President+Kennedy.htm>)

Asyndeton (a-SIN-deh-tawn): the omission of the conjunctions that join coordinate words or clauses

"Duty, Honor, Country: Those three hallowed words reverently dictate what you ought to be, what you can be, what you will be. They are your rallying points: to build courage when courage seems to fail; to regain faith when there seems to be little cause for faith; to create hope when hope becomes forlorn."

-- General Douglas MacArthur, Thayer Award Acceptance Address (found at http://en.wikisource.org/wiki/MacArthur's_Farewell_Speech_to_West_Point)

"Now the only way to provide for our posterity is to follow the counsel of Micah: to do justly, to love mercy, to walk humbly with our God."

-- A Model of Christian Charity by John Winthrop, 1630 (American Rhetoric has an audio sample of Sandra Day O'Connor, Reading Winthrop at the Funeral for Ronald Reagan. Original speech by Winthrop found at <http://meguerianpages.us/Honors%20U.S.%20I%20Files/Unit%202%20Materials/A%20Modell%20of%20Christian%20Charity.pdf>)

PUBLIC SPEAKING GUIDES & QUOTE RESOURCES

There are a multitude of books and web sites that provide quotations, words of wisdom, humorous anecdotes, etc. Of the many books on public speaking, I recommend the following:

Leads, Dorothy. Power Speak (New York: Berkley Books) 1991. This is one of the best books on public speaking for professionals I've ever read. It's a small paperback that is easy to read, well organized, and covers all the main points and pitfalls public speakers need to know.

Online quote sources:

<http://www.brainyquote.com/quotes/b.html> [excellent searchable database of quotes]

www.thinkexist.com [searchable database of quotes]

<http://www.quoteworld.org/> [searchable database of quotes]

<http://www.quotationspage.com/> [searchable database of quotes]

<http://www.quotegeek.com/> [searchable database of quotes]

<http://www.bartleby.com/100/> [searchable database from Bartlett's Quotations]

<http://www.quoteland.com/> [searchable (limited) database of quotes]

<http://www.refresh.com/wwforeword.html> [no search capability, "words and wisdom" quotes]

Cartoon graphics for PowerPoint presentations:

www.bitbetter.com

www.mchumor.com

<http://lawcomix.com>

Custom Cartoons by: Marsha Gray Carrington, MJ Zoom: marsha@mjzoom.com, (503) 719-7605

Custom Cartoons by: Grace Brooks, West Third Group: graceb@west-third.com, (816) 539-2073

THE MOST COMMON MISTAKES PUBLIC SPEAKERS MAKE

1. Not meeting the real needs of the audience
2. Lack of eye contact
3. Unclear purpose
4. Lack of clear organization
5. Bad image/lack of preparation
6. Misuse of visual aids and handouts
7. Boring
8. Too casual
9. Lack of concern for delivery style
10. Too much information, or alternatively, not enough support for ideas or concepts
11. Monotonous delivery/sloppy speech
12. Leaving the introduction of you as a speaker up to someone else. What to do:
 - Always provide the moderator/organizer/contact person with a written one or two paragraph introduction ahead of time (more if necessary, but tailor it to your audience and topic)
 - Bring extra copies to the event in case your introduction got lost in the process or the person who you gave it to does not show up to introduce you; check to make sure whomever is introducing you has a copy
 - How to recover from a bad introduction:
13. **Things to watch out for if you are an attorney:**
 - Cite cases slowly and clearly when you're talking about them, repeat cite once – that's when people are taking notes. It's frustrating to hear an attorney speak about a case without a cite. It's even more frustrating to try to find the case later without the cite.
 - If your ego is a little large when you're speaking in public, check it at the door – Remember, if you are talking to other attorneys, everyone in your audience has also likely achieved a great deal. They are not there to hear how great of an attorney you are or how *many* cases you won or deals you made. They are there to hear *how* and *why* you won your cases or struck great deals, or whatever other words of wisdom you are slated to present. The fact that you're a great attorney will come out on its own, when you teach them the how and why you have succeeded at various challenges.
 - Don't read your speech.
 - Avoid reading lengthy portions of a case unless necessary to make your point.

LAW AND MOTION HINTS & TIPS (Straight From the Judge's Perspective)

1. Strategy & organization

- Pick only 3-5 main points to present – your most important points (aim for 3), case law, arguments. Do not try to present every topic in your brief. However, be ready to respond to something the other side or Judge brings up that is not on your topic list.
- Be prepared to shift your presentation entirely to meet the needs of your audience, i.e., your judge, once she or he starts asking questions. And that means know your case, your case law, and your arguments cold so you can turn on a dime, based on questions from the bench.
- Each judge handles motion practice differently – do research on your audience. Ask the deputy courtroom clerk how the judge usually handles motion practice. Does he or she issue a tentative from the bench first? Does he or she allow for argument? Does he or she ask a lot of questions or none?

2. Delivery

- Say it clearly and concisely - get to the point
- Try not to be redundant, try not to over-do repetition – not required in this setting the way it is in most public speaking settings
- Avoid words like “clearly” and “obviously”
- Speak in a conversational tone – not too fast or too slow
- Project your voice so the judge and court reporter can hear you
- Spell names & case names. If you want a clear record, provide the court reporter ahead of time with a list of uncommon words, names and all case names / cites.
- Never read your brief. Usually the judge will know your position by the time of Law and Motion. They will have been well briefed by their clerks and likely have read the papers. Judges do not like it when attorneys read their briefs.

3. Responding to questions

- Listen to the questions and answer them. The biggest mistakes attorneys make are to: 1) not listen to the whole question because they are thinking of their answer or what else they want to present; and, 2) not answer the question asked. If the judge is asking a question, it is because he or she is interested specifically in that issue, whether or not you are. You lose credibility when you do not answer a judge's question.
- Remember, it is supposed to be a dialogue, a chance for the judge to inquire and probe and get his or her questions answered.
- Don't argue w/the judge. But don't be afraid to disagree – just explain why.
- If you're interrupted, listen, think about the question, the topic and whether or not you're meeting the needs of your audience – the judge. The judge's questions are a clear signal – a lit flare – as to what her or his need and wants are with regard to your presentation – don't ignore that big fat sign.

Law and Motion Hints & Tips, continued

- It's not moot court and they are generally not out to get you. In general, the judge asks questions that have formed in his or her mind after reading briefs, reading what the law clerks or research attorneys have presented, and doing his or her own research.
- Some judges will ask questions without ever letting you present – so know your case cold. Know your argument and your thesis at a minimum and have a case list (see below).
- Have a shorthand list of case law you have cited (1-2 pages). Highlight the most important cases. Organize by argument made in the briefs; include page numbers of the brief. Include a brief overview of the relevant holding(s). This enables you to respond without having to search your brief to find a specific case.

CLASSIC ORGANIZATIONAL PATTERNS

- Sequential/time
 - Organize your main points based upon the natural time sequence of events
- Categorical/topic
 - When your topic is not confined to an obvious procedure, process or time frame, organize based upon topical categories you assign. Include subtopics to each category. These can be arbitrary categories based upon the information/issues you need to discuss in each area. Good for new ideas that do not fit a logical sequential pattern.
 - For example, political speeches are often organized by key issues facing a community.
- Problem/solution
 - Good to show an audience what is, what ought to be, and what can or should be done. Effective when you need to call your audience to action. Not just for politics. Good for motivating staff/colleagues when change is necessary or due. Usually done in the following order:
 - Symptoms of the problem – get your audience to recognize a problem even exists. Or if they know, reinforce that belief by discussing the symptoms.
 - Identification of the real problem – detailed analysis of what the problem is (not the symptoms, but the problem)
 - Possible solutions: discuss possible solutions, possible limitations of the proposed solutions, evaluation of proposed solution, recommend the preferred solution, discuss how it will work, and what you need the audience to do to make it work
- Contrast and comparison
 - Used to help your audience evaluate alternative ideas or plans. Calls attention to differences and similarities.
 - Also used frequently in political speeches (compare and contrast proposals by other candidates); can be used when discussing trial methods/styles or the difference between federal and state courts, large and small communities, companies and their competitors.

TIPS TO OVERCOMING YOUR FEAR OF PUBLIC SPEAKING

Overview:

- Admit your fear and understand its sources
- Realize fear is normal for public speakers – everyone has it
- Understand the audience is not your enemy and, in most cases, wants you to succeed
- Visualize yourself succeeding
- Think positively about yourself and your speaking event
- Know that your nervousness / fear is not usually visible to an audience
- Speak about something you care about
- Know your topic inside and out
- Give yourself plenty of preparation time and prepare thoroughly for the speech
- Practice, practice, practice
- Do relaxation exercises before you speak
- Harness the natural energy your fear provides

Sources of speech anxiety:

1. Pessimistic attitude toward speaking – your perception and reaction to the situation you face is a source of anxiety (or lack of anxiety) (i.e. “I hate public speaking,” “public speaking makes me so nervous,” “I hate having to speak in front of people”).
2. Inadequate preparation and practice – while most attorneys would never dream of facing a jury without preparation and practice, many seem to think that appearing before a judge, public agency, commission, or in public, is different in this regard. They put off preparing and practicing until the last moment. Then they wonder why the act of speaking was so traumatic or unsuccessful.
3. Negative or insufficient experience – bad past experiences or lack of any experience can create stress. Believing you don’t “have the gift” of public speaking is a misnomer. Most people don’t. Speaking is an acquired skill like any other. And most people get nervous when they speak, even the professionals.
4. Too much attention - most people are comfortable in groups and do not like to stand out. Public speaking singles a person out for attention.
5. Unrealistic goals - research shows that people who set realistic goals for themselves are less anxious and more successful than their counterparts with unrealistic goals.
6. Inaccurate perception of the audience - many view speaking and the audience as a threat to their mental well being. Many believe the audience is waiting for a blunder so they can make fun of the speaker (etc.). Yet, with rare exceptions, audiences want speakers to succeed and are silently rooting for them to do so. And many respect you for having the courage to speak in public. Most are there because they want to hear what you have to say.

7. Negative self-talk - self-defeating patterns of negative self-talk create anxiety. This includes:
 - self-criticizing – it is usually unwarranted. Lack of experience/skill doesn't justify self-criticism about future ability;
 - self-pressuring – like unrealistic goals – feeling like you must be the best or else... this becomes not just a goal, but a threat;
 - catastrophic statements – blowing things way out of proportion (a sub-par speech turns into the worst thing that has ever happened to a person).

Managing your fear:

1. Develop an optimistic attitude toward speaking. View it as *communication*, rather than *performance*. Don't think about being "on stage," think of it as a more formal way of carrying on a conversation with a group of interested friends. Or think of it as telling a story. And remember, if you focus on giving your audience a gift, they will appreciate what you have to say to them and the time you took to say it. Remember that speaking is also an honor – people have come to hear what *you* have to say. Appreciate that honor.
2. Don't put off your preparation. Prepare *well in advance* of the actual speech (this includes research/writing and practicing). Inexperienced speakers usually need more time than they think they do. And remember - you're the expert!
3. Practice, practice, practice. You are less likely to make a mistake if you are prepared and have worked out the kinks. Having practiced a few times reduces anxiety.
4. Look for opportunities to gain speaking experience. Speak for social or community groups whenever possible. Join Toastmasters International (a community social group dedicated to helping people become better speakers) (go to <http://www.toastmasters.org/> to find a local chapter near you – most are open to the public and are free or have a minimum membership cost).
Instead of avoiding speaking, seek it out for the practice and experience. Remember, audiences want you to succeed; they are not gunning for you.
5. Set realistic goals. No one is perfect. Aim for improvement on specific or general areas – not perfection.
6. Adopt constructive behaviors. Pick a topic you know about and like (be sure it will serve your audience). This reduces anxiety. The more you know your topic, the easier it is to speak about it and the less nervous you will be.
7. Realize the audience wants you to succeed. Your perception of the audience will affect the level of fear you feel. If you think of them as wanting to be there and supportive of you, it will be much easier to deliver your speech than if you think of them as the enemy. In most instances, your audience will be empathetic. And most audiences hate to see speakers fail or be uncomfortable, because it makes audience members uncomfortable.

8. Identify with your listeners. Use “us” language, not “you” or “them.” Think of yourself as a member of the audience, part of the group, with at least one interest in common – the topic of your speech. Think about how you can meet their needs, give them a gift, and make it enjoyable for them to hear you.
9. Practice Constructive self-talk. Use positive coping statements which: 1) accentuate your assets, not your liabilities; 2) encourage you to relax; and 3) emphasize a realistic rather than catastrophic assessment of your situation before, during and after your speech.
10. Be attuned to your audience, but don’t misread them. In all audiences, it is inevitable that some people will fidget, look away, walk outside (to take a call, go to the bathroom), whisper to each other, etc. There will be silences when you pause. Expect that. While you do need to pay attention to your audience, don’t misread small cues that are nothing more than the natural outcome of having a multitude of people confined in a small space listening to one person speak. The more you speak, the more you will know the difference between this, and overall audience boredom or confusion.
11. Use the fear to your advantage. Fear creates an adrenaline rush. Use it to communicate energy and enthusiasm about your topic.
12. Use visual imagery to enhance presentation. This is a skill used effectively in sports, in business, and elsewhere. Visually imagining your speech is the opposite of rehearsing it. Instead of practicing it out loud, visually imagine yourself confidently and successfully giving it. Do this when you are relaxed and know your material well. Visualize each phase/step of the speech, from getting up from your chair/table to your self-introduction, your speech, questions and answers, and returning to your speech. Visualize success, confidence, relaxed delivery, and a supportive/satisfied audience. This takes practice too. And it is the opposite of negative self-talk.
13. Use relaxation techniques. Condition your body to relax. Use exercise, relaxation imagery, breathing and muscular relaxation – alone or combined. Engage in physical exercise about 2 hours before you speak. Go for a brisk walk around the block. Imagine pleasant and calm situations, such as lying in a hammock or on the beach on a warm summer day. Breathe in deeply and out slowly. Systematically tense and relax various muscle groups.

Try this relaxation exercise: close your eyes, breath in, focus on an area of tension as you breath out, imagine breathing out the stress with each breath you exhale starting with your head, face and neck, then your shoulders and arms, next your chest and lungs, then stomach, and finally your legs and feet.
14. Realize your nervousness doesn’t show. It is a rare case when an audience can tell that a speaker is nervous. Normally those butterflies in your stomach are just not visible! Nervous habits, like pacing, shifting your weight from foot to foot, or tapping a pen, are what “leak” your feelings to your audience. Tackle these and your audience will never know how nervous you are.
15. Reward yourself. When you’ve given a speech, reward yourself for the accomplishment. Associate it with a positive, not a negative. Don’t immediately

- concentrate on all the things you did wrong or could have done better. Think of what you did well and improved upon from your previous speeches.
16. Let go of mistakes. Everyone makes them, even professional speakers. Don't ruminate, learn from your mistakes (keep a journal if you would really like to improve) and move on.
 17. Be confident. The more confident you are, the less fear you will have and the better impression you will make with your audience.

IMPROMPTU SPEECHES & UNIQUE SETTINGS

▪ **Impromptu speeches**

This delivery commonly occurs in meetings or public gatherings when someone is asked to speak or feels the need to share her or his perspective.

Deciding to speak gives the speaker a few moments to organize his or her ideas.

If asked to speak, a speaker may not be able to jot down ideas, but a speaker can still organize his or her thoughts.

There are several **delivery tips** a speaker can follow for effective impromptu speaking:

- Determine the purpose of the impromptu speech (staff report, networking spiel, fundraising pitch, etc)
- Quickly and calmly decide on the 2-3 main points you want to make (if possible, jot them down on a piece of paper)
- Introduce those main points as you would in a speech you had time to prepare
- Support your main points with sub points
- Summarize your main points in a brief conclusion and include a call to action if appropriate
- Be clear, be concise, speak at a normal rate
- Have passion and enthusiasm
- Avoid going longer than the time you were given
- Stay on track
- Make eye contact

▪ **Toasts, Wedding Toasts**

- Usually short, be mindful of the time you take – BE BRIEF
- STAND UP
- Start by asking people to raise their glasses for a toast;
- Introduce yourself and your connection to the event/persons so people know why you're the one toasting and why they should drink to your toast
- Start by stating purpose of the toast/event
- Say a few positive, uplifting, motivational words about the event or the person/persons

Impromptu Speeches & Unique Settings, continued

- DO NOT under any circumstances criticize anyone or anything about the persons/events, whether in their past or present – i.e. no backhanded compliments/toasts, especially at a wedding/commitment ceremony
 - Don't ramble
 - Close by saying, “everyone please join me in drinking to.... The event, a profitable 2007, our health and happiness, our continued growth, the happiness of [the united couple], etc.” then lead by lifting up your glass a little higher and take a drink
 - THEN SIT DOWN
 - If you know you're going to give it ahead of time, practice, practice, practice
 - It is better if it comes from the heart and is somewhat memorized than if you pull out a piece of paper and read from it
 - Make eye contact with everyone in the room
 - **Remember:** The essence of wedding toasts is to deliver a simple anecdote concerning the couple's story of love and triumph. You don't want to embarrass yourself, the couple, or the guests by using your sharp wit. Also, the sooner you wrap it up the better for all those involved. Wedding toasts should leave the newlyweds and guests with a warm and blissful feeling. As etiquette expert Jacqueline Whitmore warns, “Don't confuse a toast with a 'roast'.”
- **Eulogies**
- Usually somewhat short, be mindful of the time you take and that others will want to say a few words as well
 - STAND UP, go to podium or in front of room if no podium
 - Introduce yourself and your connection to the deceased person so people know why you're the one speaking
 - Start by stating why you want to speak on behalf of the deceased
 - Speak from your heart about the person who died:
 - Who they were, their character, their ethics
 - Good deeds they did
 - Why you loved them and appreciated them
 - Tell a short, humorous story you remember about the person, something they did that illustrates why you will miss them so much, i.e., the point you want to make about them
 - Try to practice and prepare yourself ahead of time, as this is a very hard thing to do

OVERLOOKED DELIVERY AND ORGANIZATION ISSUES: POWER POINT, HANDOUTS, and ORGANIZING/PUTTING YOUR SPEECH ON PAPER

1. PowerPoint

PowerPoint is vastly overused and abused. It should be used only for great graphics to support a point, such as showing complicated statistics, a trend, a chart, a great bit of deposition testimony, or even using a funny cartoon. It is best used for things communicated visually. It can also be used for a good photo or video (such as a great deposition clip) or visual that cannot be communicated verbally.

If you are thinking about using PowerPoint, however, to put your speech outline on slides for your audience to “follow you,” don’t do it.

Don’t do it for five reasons: 1) too many speakers make the bad habit of talking to their PowerPoint presentation (the computer or the wall screen) instead of the audience; 2) it bores, and sometimes insults, your audience; 3) many times you have to dim the lights, which puts everyone to sleep; 4) what is on the screen is not always in sync with what you are communicating orally, and that creates a conflict – should your audience listen to you or read the words on the screen? and, 5) you are voluntarily using something that competes with you for your audience’s attention, why would you want to do that?

2. Handouts

Handouts are best used if given at the end of a presentation, unless you absolutely, positively must give your audience a page or two that they need to fill out to complete an exercise.

Many speakers give handouts (commonly a print out of the PowerPoint slides that comprise their speech outline) to their audience at the beginning of their speech. Then what happens? The audience spends the next 5-15 minutes reading the handout, flipping through it, going back and forth, etc... and *not* paying attention to the speaker. In fact, some handouts are so thorough that the audience sits there thinking, “hmmm, I really don’t need to listen to this speaker, I’ve got all I need right here!”

And the process of handing out the handouts also distracts from the speaker’s message. The whole time your handouts are being passed around you either need to: 1) wait; or, 2) compete with the noise and distraction of the handout being passed around.

After all the time you spent preparing your presentation and practicing it, do you really want your audience paying attention to a handout instead of paying attention to you? Do they *really* need it to follow you? (If they do, then you need to re-organize your speech, add transitions and links, and make your speech more audience friendly). Think of handouts as leave-behinds that provide the extra details, citations, web sites, references and other information not easily conveyed orally.

They are also, if appropriate, good as marketing pieces and should include your contact information, your specialty and a short bio (depending on the audience).

3. Organization/Putting Your Speech on Paper

Most non-professional speakers should not try to memorize their speeches, nor write them out word for word. Why? Because memorized speeches tend to be delivered in a stilted manner and the speaker is at risk of forgetting parts of the speech and not knowing how to proceed when that happens. Speakers that write their speech or presentation word for word tend to read most of the speech. It is very difficult for an audience to listen to a speech being read – it is boring, the speaker does not make enough eye contact, and it is impossible for the speaker to “connect” with the audience. Very few speakers can deliver a speech well that has been written out word-for-word.

Instead, start by writing a long outline (with paragraphs and full sentences that contain the points you want to make). Then slowly, repeatedly, cut the outline down until it contains primarily key words to spark your memory and keep you on track. Include the key words, phrases, sometimes sentences that you need to be able to convey your message. Include cites to cases, verbatim quotes, things you cannot and should not have to remember. Then either plan on using this keyword outline on regular 8.5 x 11 paper, or transfer to note cards (do not hand write). Number your pages so you don't have to try to figure out their order if they get dropped.

ADDITIONAL GUIDELINES FOR USING VISUAL AIDS

RULE #1: Be certain that the entire audience can see the visual aid. This rule has two parts. First, make sure that the visual is large enough so the entire audience can see it. For example, a 3” character on poster board looks about 1/25th as large to a person at the back of the room, 26 feet away, as it does to the speaker. Second, the speaker should turn the visual so audience members at the sides of the room can see it and make sure that the visual is not obstructed by anything, e.g. the podium.

RULE #2: Avoid talking to the visual aid rather than to the audience. The visual aid should never become more important than the audience. It can be very irritating to an audience when a speaker focuses all his or her attention on the visual aid. When the speaker needs to point out things on the visual aid, he or she should look, point to the important element, and then turn his or her attention back to the audience.

RULE #3: Use visual aids that are clear and that need little or no explanation. The visual aid should always *help* clarify the subject, not complicate it. Very complex visuals requiring extended explanation are often a greater hindrance than a help.

RULE #4: Use visual aids to catch attention. Visual aids should be inherently interesting for the audience. Instead of using black and white for charts, diagrams, etc., add bright colors to increase their attention-getting quality. However, avoid using florescent colors. Use harmonious colors and avoid yellow. Yellow is too difficult to see.

RULE #5: Use visual aids that are appropriate for the audience and the occasion. Visual aids should never offend your audience. Visual aids are employed to improve understanding and learning, not to turn off an audience.

RULE #6: Remove the visual aid from sight when you are through with it. Because a visual aid should catch an audience’s attention, it can outlive its usefulness. If it is left in view after the speaker is done with it, the audience will most likely continue to look at it, instead of paying attention to the speaker. This rule does not necessarily apply in court in front of a jury that you want spending time mulling over your visual.

RULE #7: Use visual aids only when they serve a definite purpose. Visual aids should not accompany verbal messages just so you have a visual aid. The test of any visual aid is whether it will make a meaningful contribution to the clarity or interest of the verbal message.

RULE #8: Keep the visual aid in your possession. Visual aids should never be handed to an audience while the speaker is speaking. Passing things around distracts those members of the audience dealing with the handout (waiting to get it, reading it, having to pass it) and keeps them from paying attention to the speaker. If each member of the audience must closely inspect the visual aid before its usefulness can be achieved, the speaker should wait until the completion of the speech to let the audience examine it.