

Tuesday, November 16, 2010

Theatrum Canonicus: Acting Tips for Successful Communication

Deborah Shames and David Booth are co-founders of Eloqui, a business communication and presentation training firm based in Calabasas. Together, they authored *"Own the Room: Business Presentations that Persuade, Engage and Get Results,"* published by McGraw-Hill in 2009.



In today's tough economic times, generating business is more important for lawyers than ever before. A lawyer can no longer rely on being gifted work from other lawyers. And the days of security in servicing institutional clients are over. Thus, it is essential for lawyers to get out from behind their desk and market. However, there is increased competition in the marketplace and as a consequence, business is harder to earn.

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To obtain work, lawyers need to find a way to distinguish themselves from their competitors. To make sure that meetings with potential clients are as effective as possible, lawyers could serve themselves well in learning the techniques that actors use to mesmerize their audience on stage or screen. Keeping these tips in mind will allow you to break out of the chorus and take center stage.

Bradley P. Boyer is a shareholder of Ropers, Majeski, Kohn and Bentley. He is based in Los Angeles and has represented Hollywood personalities and high profile individuals in other industries in pre-litigation and litigated matters.



Tip 1. Identify and Achieve Your Intention: Macbeth wants

to be King, Romeo must win Juliet's love, and Giselle wants to find true love in *"Enchanted."* In theatre, memorable characters have a single purpose. In order to maximize the value of your time with your potential client, make sure you have a single focus. This focus must be what you want to achieve, what you want the potential client to feel, or what action you would like them to take. Make your intention realistic, brief and within your control. When pitching a new client, consider "I will convince them our services are critical to the success of their business."

Tip 2. Manage Anxiety: Whether you are a seasoned trial lawyer, or a young associate, getting ready for a big pitch meeting (which can make a difference in your compensation) can cause anxiety. This is not something you want to show in the meeting. Sense memory is an effective tool to mitigate anxiety, used by actors to project a feeling without "faking it." It was originally taught at the Neighborhood Playhouse in New York, and is used by actors like Robert Duvall, James Caan, Diane Keaton, and others.

First, decide what you would like to exhibit during the pitch; e.g. confidence, warmth, or creativity. Then squeeze your wrist, close your eyes and revisit an event that produced the specific feeling in you. Remember every detail, including the season, time of day, temperature, how you felt - all the smells, sights, tastes and sounds. Recalling the "sense" of an experience brings back the associated feeling, and makes it accessible to you.

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Then about 15 minutes before your meeting, squeeze your wrist, close your eyes and revisit the same event. This time, it will come back more quickly because of the time you took to recreate it before. This will allow you to walk onto any stage with confidence

Health Care & Hospital Law

Data Leaks Go Beyond Celebrities

Since a new patient privacy law took effect in 2009, state health officials have received reports of 3,766 breaches of data privacy. California hospitals say they need more direction as to how to prevent leaks.

Corporate

Biotech Exec's Sentence Questioned

A federal judge on Monday ordered prosecutors in an off-label drug marketing case back to the drawing board, expressing skepticism at the 10-year prison sentence they are seeking for a former chief executive of a biopharmaceutical company.

Health Care & Hospital Law

Withdrawal of Life Support and Medical Malpractice: The Unethical Dilemma

California's limit on non-economic damages creates an incentive for doctors to discontinue care. By attorney **Bruce G. Fagel**.

Family

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The battle over who owns the Dodgers serves as a lesson on best practices for drafting postnuptial agreements. By **Colin T. Greene** of Russakow, Greene and Tan.

Corporate

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Exchanging "honest services" for "intellectual property rights" still raises the same constitutional issues in self-dealing. By **Jeffrey Hamlin** of Ifrah Law.

Insurance

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The conclusion to a two-part series on Proposition 103 and the regulation of insurance companies. By **Harvey Rosenfield** of Consumer Watchdog.

Law Practice

Theatrum Canonicus: Acting Tips for Successful Communication

Acting tips every lawyer should know, and use. By **Deborah Shames** and **David Booth** of Eloqui, and **Bradley P. Boyer** of Ropers, Majeski, Kohn and Bentley.

Government

Enron Prosecutor Rejoins U.S. Attorney

Former Enron Task Force member John H. Hemann is leaving Morgan, Lewis & Bockius to rejoin the Northern District U.S. Attorney's office, U.S. Attorney Melinda Haag confirmed Monday.

Mudslinging Mars AG Vote Count

State attorney general candidates Steve Cooley and Kamala Harris are slinging accusations about whether the opposing camp is attempting to influence election officials in their decisions to count or discard provisional ballots.


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and without fear.

Tip 3. *Chose the Correct Role:* A role is an actor's mask, which allows them to overcome shyness and be fearless. For a presentation, carefully choose a role that will achieve your intention. Read your audience, then adapt the behavior of the role you have selected. Your language and behavior must be congruent. A trusted advisor is calm, measured, empathic and confident. A mobilizer is certain, committed to executing a plan or campaign, and capable of giving orders that will be carried out. A coach knows the players, so she sets up a game plan, provides techniques to refine skills, and motivates. Think about what your potential client would best respond to and choose accordingly.

Tip 4. *The Power of Non-Verbal Language:* An actor knows that justified movement creates dynamism. In business, never wander aimlessly or without a purpose. Begin and end any presentation in a fixed position. To make a strong point, walk on a diagonal toward your potential client. For an aside, or to draw your audience in, walk directly toward them while lowering your voice. Move a step or two in any direction to delineate a transition. Command your stage, however small the space, and the listener will believe that you practice law in the same way.

Tip 5. *Open to Close:* The opening of your presentation sets the tone of what's to come, while the ending is what the audience will remember most. Therefore, delete the traditional windups, such as "Thank you for allowing us to spend some time..." or "What we'll be covering is..." Imagine if a play opened with "Thank you for being here tonight!" Dive right into the opening with a creative opening. Then, employ a pertinent link to your topic.

When you close, slow down, dial up your certainty, and be more dramatic in your delivery. Move your audience from thinking to feeling, so they take action and you accomplish your intention. In show business, actors know they must open strong to grab an audience. And even if they have a mediocre performance, by re-committing and finishing strong, a performer will receive a favorable reaction from the audience.

Tip 6. *Tell a Story:* As children were all raised on stories in television, books, plays, and movies. Stories define complicated concepts and clarify them with colorful, concrete language. When discussing your experience during a presentation, do so by relating a client anecdote. Without unnecessary windup, launch into this anecdote by identifying the client's name and industry. Then describe their obstacle. Make sure to include what is at stake, and time sensitivity. Keep it brief. Then describe your process for resolving the problem, using active verbs. Do not use the word "help." Then, after describing the expected outcome (e.g. we kept them out of court, or we successfully negotiated their case), add the *unexpected* benefit your client received. This can be the insight they experienced, or what your solution allowed them to do going forward. This structure, developed and rehearsed to be concise, yet rich in detail, creates an advantage in the art of persuasion. Told well, your audience will remember and pass on your story.

Tip 7. *Bring Your Script to Life:* Lawyers are trained to be thorough, precise and analytical. However, to be persuasive when marketing, lawyers must use stats judiciously or the audience will get overloaded. If the statement or concept is complex, use the following phrases: "like,," "such as," or "for example" to ground the idea with concrete language. Also, employ visual details to make the potential client see what you are saying and facilitate their buy-in. Metaphors, similes, or analogies will connect your ideas to what the listener already understands. "Gist before details" is a current neuroscience discovery that Shakespeare employed in the 1500s: "How do I love thee? Let me count the ways."

Tip 8. *Active Cueing and Listening:* Focus on cueing, or refining your interviewing skills. Actors understand the value of expressing their feelings to get inside and be believable as a character. Lawyers often do the opposite. While good at fact gathering, building relationships for business development is not about data sharing. Find out what drives the individual you're interviewing. Get them to discuss their values and how they feel, not merely recall facts, and you will move the conversation into a more meaningful arena. Further, repeat back to the potential client what they said to you in your own words: "if I understand you correctly...it seems that you're saying..." to build a rapport.

Tip 9. *Effectively Hand-Off to Others:* With successful ensembles, the audiences see a clear division of roles and knows what each character wants. Similarly in business, pitch teams must share an intention and use it to drive their presentation. Once the intention is determined, each member of the team has a specific role, e.g. big picture (strategy) or details (nuts and bolts of the process). In the best pitches, no one person dominates the presentation or takes more air time; pitches are about exhibiting collegiality. Good hand-off skills create the positive impression that team members like and respect each other and will treat the client the same way.

Tip 10. *Engage Your Audience:* Rehearse these techniques until you have

Undocumented Students Score Win

In an opinion likely to fan flames in the immigration debate, the state Supreme Court on Monday ruled in favor of a California law that lets undocumented immigrant students pay lower in-state tuition fees to attend public colleges and unive

Personal Injury & Torts

Caltrans Ordered to Pay \$1 Million

Caltrans will have to pay \$1 million to a church whose San Bernardino County camp was destroyed in a massive mountain flood on Christmas Day seven years ago, a judge ruled Friday.

Bar Associations

Bar Report Calls for Partner Diversity

A new report by the Bar Association of San Francisco provides detailed information on how law firms can improve the retention and promotion of minority attorneys - and how those attorneys can help advance their own careers.

Labor/Employment

Accountant Says Bribes Were Rampant

A former controller for Sempra Global in Mexico filed a lawsuit in San Diego Superior Court, alleging that the energy company required him to bribe government officials, among other charges.

Mergers & Acquisitions

Deal Makers

The latest deals and transactions by California attorneys.

Energy Law

Clean Tech Industry Bemoans Financing

For Silicon Valley clean technology entrepreneurs, getting financing in a down economy remains their biggest challenge even as government efforts to stimulate the sector have fallen flat, a survey found.

Investments

Latham Handles Biotech IPO

Latham & Watkins lawyers advised Complete Genomics Inc. in its initial public offering on the NASDAQ stock exchange last week, which garnered about \$54 million.

Criminal

Supreme Court OKs Gun Enhancements

The U.S. Supreme Court unanimously ruled Monday that defendants convicted of committing violent or drug-related offenses can receive additional prison time if they're also convicted of using or carrying a gun during the crime.

Corporate Counsel

Cary Berger

Vice President of Legal Affairs, General Counsel, and Secretary
Pasadena

Judicial Profile

Sanjay T. Kumar

Superior Court Judge
Los Angeles County (Los Angeles)

Government Contracts

Deal to Lease Back State Buildings Could Cost More Than It Will Net

California lawmakers are turning up the scrutiny of a plan to sell government office buildings to private investors and then lease them back in a \$2 billion-plus deal.

internalized them and have adapted them to your personal style to feel authentic. Clarify your intention. Make sure your role fits like a glove. Your stories are focused and you persuade rather than educate. Make your pitches interactive; and involve the prospective client from the beginning; while maintaining the forward momentum and flow of your presentation. Follow these 10 tips to maximize your chances of having a successful pitch. Let the show begin!

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