

LEARN HOW TO **CONQUER PUBLIC SPEAKING** WITH THE BARRISTERS

John Hamasaki

As the sixty or so potential jurors filled the courtroom, I could feel them slowly breathing up all of the available oxygen in the room. The jurors filed into the jury box and into the seats directly behind the table where I sat with my client, his co-defendant, and his lawyer. I tried to make a joke to my client and barely managed to croak out a few words through my dry mouth. The judge began instructing the jury and I felt the room close in around me. My heart began pounding faster and louder by the minute. As our turn to get up and begin *voir dire* neared, I began to feel an overwhelming desire to leave the courtroom. Somehow, I managed to fight the urge to flee, got up on my feet, and actually put in my first jury trial. I survived.



Mark Twain famously observed, “There are two types of speakers: those that are nervous and those that are liars.”

Public speaking is terrifying. Ignore the polished and persuasive speakers you have seen playing lawyers in television and movies—those are actors. For the rest of us, getting up on our feet in front of a group of people, whether five or five hundred, can be somewhere between nerve-wracking and utterly paralyzing.

For lawyers, conquering that very natural fear opens up a whole host of opportunities in your practice and in life. In 2017, the Barristers Club created a Public Speaking Group to help attorneys develop skills for the courtroom, the conference room, or just sitting across a table from your client.

LAWYERS ARE COMMUNICATORS

Being able to cogently and persuasively make an argument is the key to what we do as lawyers. Why should a client go with your firm? Who should the jury believe? Why is this clause necessary in the agreement? All of these skills require us to communicate. And while we may feel most comfortable behind the keyboard, to truly be effective, we need to be able to make our case in any setting or venue.

It is not only the words we use but how we use them that can determine their impact and effectiveness. While being too polished or slick can put people on guard and cause them to be wary of your words, a nervous, unfocused presentation can similarly sink a deal. At the end of the day, we need to be able to look a person in the eye and convince them to follow our lead, whether to a verdict, a contract, or a venture.

ORAL COMMUNICATION IS STILL THE BEST WAY TO CLOSE THE DEAL

While a beautifully written motion is still a thing of art, you may be the only one who ends up reading and appreciating your skills behind the monitor. I can’t count the number of hearings I have attended where the only person who has read the briefs is the party who filed them. Whether in a mediation, hearing, or trial, it is our words that can save us when things are on the line.

And while email has saved us an immeasurable amount of time (and stolen twice as much), how many times have things gone sideways because someone misread the tone of an email? Whether at home, among colleagues, or with opposing counsel, it is best to sit down across the table and talk things through. Although we often have to settle for a phone call, the way you make your case is by laying out the facts and the law in a compelling manner.

Finally, put yourself in the shoes of your client, whether a corporation or a small business owner. Who do you want to be sitting next to when the stakes are high—the seasoned speaker able to make a convincing case or the brilliant emailer who struggles to deliver in person?

DON'T FORGET TO FAIL

The second week of one of my first jury trials, I could feel myself getting sick. As the week progressed it got worse and by the time we finished evidence I had a blazing fever. As I waited outside the courtroom after lunch, I was alternating between sweating and shivering chills.

I got up to deliver my closing and began speaking. So far, so good. The words were coming out, mostly making sense, and I began to feel confident. I was going through the facts,

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the law, and I actually begin to feel good. It was all coming together. I stood in front of the prosecutors' table facing the jury and began building to the final point on the law. As I went through the jury instructions element-by-element, I could feel myself eviscerating the prosecution's case and closed strong, "The prosecution has failed to meet the... elephants!"

I heard the words come out of my mouth in slow motion. I looked toward the prosecutor who had a look of horror for me. I asked her, loud enough for the jury to hear, "Did I just say elephants?" She slowly nodded her head. I looked back at the jury and they too were looking on in disbelief. Not knowing what else to do, I just started laughing and said, "Elements, that was supposed to be elements." The jury, the judge and the prosecutor all began laughing and after a pause, I finished my closing. Things worked out well for the client and I got to go home and sleep for a day.

Here's the truth: There is no way to get good at public speaking without failing. There is going to be embarrassment, there are going to be awkward moments. There's going to be a time where you lose your train of thought. Roll with it. It will get easier next time. And the time after that.

JOIN THE BARRISTERS CLUB PUBLIC SPEAKING GROUP

In 2017, Barristers Club board members Jessica Ryland and Sean McHenry formed the Public Speaking Practice Group, a program that gives attorneys a chance to practice and develop their public speaking skills in a supportive environment. Jessica, an in-house attorney at Lyft, and Sean, who recently founded his own employment law firm, McHenry Law Firm, wanted to help other, newer attorneys learn and grow their skills in a setting that would help them overcome the natural jitters among friends and colleagues.

The sessions are hosted by seasoned public speaking practitioners, including trial attorneys and judges, who kick off each session with their own tips and techniques for success. Participants are free to bring anything from a short story to a pending motion to practice in front of the group. The purpose is to facilitate the necessary failures so that the odds of success are dramatically increased by the time of the actual motion, hearing, or presentation.

Please join Sean and Jessica for our next Public Speaking Group and develop skills that will shine in the courtroom, conference room, and in life.

John Hamasaki, 2019 Barristers Club president, is a trial attorney at Hamasaki Law, and a San Francisco Police Commissioner. His practice focuses on complex criminal matters involving constitutional protections and civil liberties. He can be reached at john@hamasakilaw.com and is always happy to speak to any current or prospective club members.