

Behind the Scenes at the Barristers Public Speaking Practice Group

(AND TIPS FROM THE PROS)

Adam I. Kaplan

It's amazing that presenting in front of just five or six people and a video camera can be so nerve-racking. Thankfully, like public speaking in general, it gets easier each time. A number of Barristers, myself included, learned this recently by participating in The Bar Association of San Francisco's (BASF) Barristers Club's new Public Speaking Practice Group. The Barristers board started the group to help members develop or refine what for many is a critical, yet under-practiced skill.

Each session of the practice group—which was developed and led by board members Sean McHenry, Minnis & Smallets, and Jessica Ryland, Lewis Brisbois Bisgaard & Smith—begins with a presentation by a seasoned public speaker. After learning tips from the pros, participants split into smaller groups and take turns giving short presentations, which are timed and videotaped. As Ryland explains, the group “is meant to be a low-pressure forum for anyone to come in and practice an elevator pitch or motion argument or even tell a short story.”



Adam Kaplan

Participants get immediate feedback at the session as each of the small groups “brainstorms out loud about how a participant can, for example, better emphasize his or her point or refine hand gesture use.” Participants receive an electronic copy of their presentation so they can critique their own performance later. The program has received outstanding reviews and a number of participants have attended multiple sessions (which is welcomed, but not required).



Jim Brosnahan



Doris Cheng



Adam Kaplan during a Public Speaking Practice Group session

Jim Brosnahan, Morrison & Foerster, a top trial lawyer and former president of both BASF and its Barristers Club, kicked off the practice group’s inaugural session in May. Here are some of his tips and reflections, as well as those of the other experts who have addressed the group so far.

Brosnahan explains that you should “practice with your voice, especially tempo and emphasis,” and encourages attorneys to record themselves. He notes that because most law schools do not teach voice training, you need to learn this on your own. To help deal with nerves, he says to “take a deep breath before starting and start slowly.” For speaking in court, Brosnahan’s top five tips are: (1) Total preparation. (2) Try out your presentation on another human. (3) Choose your words carefully. (4) Think and rethink the structure of your presentation. (5) Deal directly with the major points against you. Brosnahan’s favorite memory of speaking in public? “The speeches I gave for Robert and John Kennedy.”

Doris Cheng, Walkup, Melodia, Kelly & Schoenberger, BASF’s treasurer and a former president of the San Francisco Trial Lawyers Association, presented at the practice group’s second session. Cheng’s top three tips on public speaking

are (1) Make eye contact with your audience. (2) Project your voice so that you can be heard by the person farthest from you. (3) Avoid reading from notes. She explains, “being a good speaker comes from being a good listener. If you are earnest in listening to others, you learn what interests people. If you understand what interests people, you understand better how to address people. Ineffective speakers are tone deaf and fail to discern when the audience is no longer interested in listening.”

Cheng explains, “most of our anxiety with public speaking manifests in our voice (pace and speed), [in] tightness in our face and hands. Tension in your face, voice, and hands will make others feel uncomfortable or less confident in your ability to handle the situation.” She offers this advice to deal with nerves:

Take a few deep breaths to slow down your breathing. Think about pacing your words by taking a breath in between every three to four words. Our natural breath stops occur after every third or fourth word. It is only when we have high stress and anxiety that we run all of our words together without a pause.

Also, relax your facial muscles with a few exercises. Imagine you are chewing an extra, extra large wad of gum. Move your jaw and mouth so that they are stretching the muscles and skin around your mouth. Then open your mouth in an “O” shape with your eyebrows raised high, as if you are surprised. Next, open your mouth wide enough for your dentist to pull out a wisdom tooth. Stretch the muscles and skin around your eyes, cheeks, and mouth. The point of these exercises is to relax your eyes and mouth so that you can smile as you talk.

Lastly, practice talking in front of a mirror and force yourself to keep your hands open so that you are not clenching them.

Malcolm Heinicke, Munger, Tolles & Olson, BASF’s president-elect and another seasoned trial lawyer and public speaker (and former Barristers president), addressed the practice group’s third session. Heinicke offers these tips: First, he emphasizes the importance of preparation. Whether it is for a call with a client or a hearing in court, attorneys should think about and write an outline of

what they are going to say. Heinicke explains that each presentation should be limited to just three or four key points, to keep the audience engaged. Second, and along those lines, Heinicke notes that all audiences, judges, juries, or otherwise, have limited attention spans. Third, Heinicke instructs attorneys to practice, practice, practice—in front of the mirror or with a spouse, a dog, whomever. [Thanks are in order here to Peri, my dog, who listens without complaint as I practice all sorts of presentations during our walks and runs.]

Lastly, **Alameda County Superior Court Judge Tara M. Desautels** shared her advice with the practice group. She focused on how shy people can excel at public speaking. Judge Desautels explains that attorneys should own their nerves by figuring out their style and working to create an environment in which they will thrive. She says that she was always the “shy little girl at the back of the class,” explaining that she realized when she was a prosecutor that she performed best when she envisioned her role in the courtroom as that of a teacher.

Judge Tara M. Desautels

Malcolm Heinicke



“Take a few deep breaths to slow down your breathing. Our natural breath stops occur after every third or fourth word. It is only when we have high stress and anxiety that we run all of our words together without a pause.”

— Doris Cheng

Like the other presenters, Judge Desautels stresses the importance of preparation and cautions against using detailed notes or memorizing one's speech. If you instead prepare a short list of bullet points—which you use only for reference if necessary—"it encourages you to speak from the heart. If you're confident and know your case, you don't need a script. The confidence you emit is what makes people believe you."

Judge Desautels recognizes that, in a hearing, there may be fifty points the other side makes that you disagree with. Still, she explains, you should limit your response to three to five topics. "We all know the lawyer who feels they need to keep, keep, keep talking because the longer they're up there, the more likely they're going to win." That's the wrong

attitude. "Make your key points and get out." Finally, Judge Desautels notes, "lawyers are always concerned about saying everything exactly right. If you're speaking honestly, truly, and genuinely, it's a much better sell."

It's not surprising that each of these experts stresses that practice is the key to improving one's public speaking skills. The Barristers Public Speaking Practice Group offers the perfect opportunity to do just that. Stay tuned for the next session of the practice group. I hope to see you there!

Adam I. Kaplan, 2017 Barristers Club president, is a litigator in the San Francisco office of Munger, Tolles & Olson. His practice includes complex commercial litigation, copyright litigation, securities litigation, and internal corporate investigations. He can be reached at adam.kaplan@mto.com.

7th annual BARRISTERS CLUB ANNUAL MEETING



Keynote Speaker
United States Representative
Eric Swalwell
Representing California's Fifteenth
Congressional District

Judges Panel

- Hon. Angela Bradstreet**
San Francisco Superior Court
- Hon. Michelle Friedland**
U.S. Court of Appeal, Ninth Circuit
- Hon. Martin Jenkins**
California Court of Appeal, First District
- Hon. William Orrick**
U.S. District Court, Northern District of California

**For full schedule and details on
CLE breakout sessions, visit
www.sfbar.org/annualmeeting**

**FRIDAY
NOVEMBER 17**
SAVE THE DATE

This full-day event gives attorneys and law students the opportunity to further their professional development, obtain CLE credit, and network with peers.

BASF CONFERENCE CENTER
301 Battery Street, Third Floor
San Francisco

Cost for full day:
BASF Law Student Member \$50.00
BASF Member \$130.00
Government/Nonprofit \$130.00
Nonmember \$170.00

Half-day options are also available.

WWW.SFBAR.ORG/ANNUALMEETING