

Some Suggestions for the 'Not Ready for Prime Time' Litigator

It's "summer reading" time for business litigators. The topic at hand is how to deal with those relatively rare situations where fate pulls you out of the courtroom and tests your skills as a "mouthpiece" in the distinctly non-legal world of radio and television. If you are interviewed, or take part in a panel discussion even once, far more people will see and/or hear you than all the judges, jurors and time-on-their-hands court spectators you could enthrall in a lifetime.

In this election year, opportunities for attorneys to speak for clients or causes periodically crop up. Debates, discussions or interviews on radio or television are forums in which litigators, as professional spokespersons, are often called upon to participate. Are hostile take-overs destructive tools? Which ballot initiatives are worth voting for? Should surrogate mother contracts be banned? You may find yourself answering the vital questions of the day in front of a studio full of bored technicians and a city full of civic-minded couch potatoes.

And so, here are a few suggestions for dealing with those situations where your skills are tested by the likes of Ted Koppel or Wally George.

1. Avoid Legal Lingo

Rigidly adhere to the "Laverne and Shirley" rule: Namely, you should never use any words you wouldn't hear on the television show of the same name. In the entire storied history of that television program, neither Laverne, Shirley, Lenny nor Squiggy ever mentioned a case

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Business Litigation

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name or citation, no matter how important it might have been to the topic they were discussing. Follow their lead. Just as publishers tell scientists that every equation found in a book aimed at the general public cuts sales in half, every time you mention a case name, even if it's *Brown v. Board of Education* or *Marbury v. Madison*, half your audience dozes off, and the other half grits their teeth.

2. Use Short Answers

In a discussion setting, panel members often see the exercise as a contest to see who can take up the most air time. Answers become interminable, and some hosts will let you ramble on until the din from clicking channel dials begins to pose a threat to public health. If you require more than 10 seconds to answer a question posed on radio or television, you run the risk of losing your audience.

3. Counteracting the Blabbermouth

Assuming you are a model of clarity and brevity, you nonetheless occasionally have to share the stage with your unenlightened brethren whose endless talking threatens to prevent you from dispensing your pearls of wisdom. One solution is to interrupt and one good way to interrupt is to simply toss out the generic question, "Why?" more or less at random during

your colleague's protracted exercise in tedium. The question will usually take him aback, just long enough for you to explain what your one-word inquiry really meant, and also follow it up with a pithy comment steering the discussion back to more productive areas.

Another interruption technique is to change the subject. Cutting off your long-winded colleague as politely as possible, you can say something like, "Yes, I see your point, but what about. . . ."

4. Liven It Up

Most debates, discussions and interviews are unbearably dull. Because participants feel the topic is so momentous, or because they feel self-conscious, punches are usually pulled, positions are watered down and emotion is as welcome as a toad in the punch bowl. In fact, the way to improve such encounters, and enhance your own performance, is to be emphatic, forceful and emotional. Wherever possible clash directly with those who disagree with you. The host will love you for it, and you'll be invited back. And, you'll be more effective. Listeners will remember what you had to say long after the discussion is over.

To test this idea, make a tape recording of a mock discussion on a subject of public interest, involving you and a friend or colleague. Then, tape the same discussion, with the participants pretending they're William Jennings Bryan giving a final argument in *Scopes*. The more fire and fury you can use, the more effective you will be.

6. Tell Stories

Research shows the most effective way to communicate is to fill your canvas of words with metaphors, analogies, similes, jokes and

stories. People not only appreciate being entertained with colorful speech, they retain your message much longer than if your ideas are expressed in a flat, unimaginative way.

7. Avoid the Question

What do you do if you get hit with a zinger of a question, to which you have no good reply? Do what the politicians do. Simply answer some other question. It's true, a certain portion of your audience will pick up on what you've done. But that's probably better than 100 percent of the audience hearing a direct answer that detonates an explosive device under your position. Your basically honest nature will cause you to get back to the troublesome query, but by then your computer-like brain will have dredged up a satisfactory reply.

8. Tricks of the Trade

A variety of techniques will help your communication skills. Research your host's background and style, don't look directly into the television camera, and if your face resembles Richard Nixon's 1960 visage, keep a razor at the office.

For further information on dealing with the media, the State Bar of California publishes a pamphlet entitled "So You're Going to be Interviewed," a "Media Relations Handbook" (available for \$2.00) and the "Bench/Bar/Media Newsletter." To obtain copies of these documents or have your name placed on the mailing list for the newsletter, contact:

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