PUBLIC SPEAKING for Lawyers

By John E. Savoth

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

Public speaking encompasses all types of public presentations, from the courtroom, to the boardroom, to the synagogue or church, to the wedding reception or funeral. "Speaking as a lawyer" is confined solely to courtroom presentations. Most of you have given a speech, either in your professional or private capacity. The memory of the initial fear is everlasting. You were emotionally and physically in tremendous discomfort. You felt lightheaded and had sweaty palms. Your mind was on the brink of going blank. You kept trying to stay in the moment, with your mind racing ahead of you and the content of your speech quickly evaporating from your grasp. You gazed out to your audience, feeling the pressure of their eyes on you, their expectation of your words. Perhaps you were able to gather yourself and deliver the speech, or perhaps you made it partially through and jumbled together thoughts to eventually reach the end. The latter is more likely than not. What is it about public speaking that instills such fear in the most confident of us?

As lawyers, we are expected to be able to rise and speak on a moment’s notice. It does not matter if we are in court, the boardroom, or at a loved one’s wedding, we are supposed to rise to the occasion and inform, teach or entertain. However, the secret that no one dares discuss is that most of us are
simply not proficient at public speaking. We labored through law school, particularly moot court, with trepidation and lack of confidence. We thereafter became practicing lawyers, avoiding the courtroom or boardroom, looking for work that required little to no public speaking. Or, we became trial lawyers, schooled in effective courtroom presentation, but still anxious about addressing a group outside of the courthouse. Rising at a partners meeting to speak to an issue or case still renders you uncertain of your effectiveness and ability. Worst of all, you still dread having to speak at a family gathering, be it a wedding or funeral, knowing that your emotions will not permit you to deliver your remarks without anxiety creeping in and rendering you incapable of completing the verbal task at hand. There is hope, though. It has been shown that through deliberate and focused practice, the art of public speaking is a learned craft. You do not have to be born with a silver tongue to accomplish it. In fact, the harder you have to work at honing your abilities, the better and more credible public speaker you will be.

1. Preparation

The big secret that many public speakers fail to acknowledge is the amount of preparation that goes into a presentation. The more you prepare, the more it will appear as though you are speaking extemporaneously. It will also enable you to speak with confidence, having practiced the rhythm and cadence of your speech many times before actually giving it.

Audience

This might seem obvious, but you must try and learn who will be in your audience. Will it be comprised of professionals familiar with your topic or laypersons who have little working knowledge of the topic you will be speaking on? This will enable you to tailor your remarks to a level of understanding commensurate with the group. Always err on the side of simplifying the presentation because nothing loses an audience quicker if they feel you are speaking over their heads.

Practice, Practice, Practice

Do not assume that since you wrote the remarks you will be giving that you do not have to practice saying them aloud. It is imperative that you recite your speech as often as you can, going over each line, phrase and wording to make sure you are comfortable with what you have prepared. Change something if you find yourself consistently stumbling over a particular passage, even if the change occurs on the eve of your presentation. The key here is for you to be comfortable and conversant with the material so that it will flow effortlessly
during your presentation. You will often find that word combinations that “looked” good in written form do not hold up when spoken out loud. This is also your opportunity to establish a rhythm with the content of your speech, learning when you need to slow down or speed up and when to raise your voice or lower it. These changes will only come about the more you practice out loud.

II. CONTENT

One of the aspects of public speaking that is often lost on the practitioner is to acknowledge the difference between the spoken and written word. Many fine writers fail as public speakers because they end up reading a nicely written piece to their audience instead of presenting a concise speech that touches upon the intended ideas. There is a maxim often cited that if you cannot say it in 10 minutes then it is not worth saying. This has changed a bit over time, with most TED talks coming in at 15 to 18 minutes because it has been found to be the optimal length to keep an audience’s attention. Your oral presentations must be concise with minimal extraneous material. Start with a strong point and, likewise, end with a strong point. The task is to learn to write with the ear for the spoken word instead of writing with a reader in mind. There are several ways to accomplish this; a few are discussed below.

OUTLINE V. WRITTEN TEXT

The choice depends on the type of speech you plan on giving. If it is more casual with a friendly audience, an outline will probably do the trick. The benefit of an outline is that, if practiced sufficiently, your presentation will be less rigid and more engaging and, thus, more interesting to the listener. A written text is necessary when you have specific details you must relay to the audience or the length of the speech requires specificity in order for you to cover everything and, still, remain within the time guidelines you have established. However, if a written text is going to be used, it is imperative that you practice to ensure that the delivery is fluid and engaging.

BREVITY IS KING

Most performers know the maxim that you have to “leave them wanting more.” This is true in public speaking, which actually is a form of performance art. The speaker who does not know when to stop is a casualty most of us, unfortunately, have experienced. If your primary goal is to keep your listeners’ attention throughout your presentation, as it should be, then always err on the side of brevity. Highlight your main points with your own personal style and sit down.

HUMOR

It is not a coincidence that stand-up comedy is often said to be the most difficult form of entertainment. Humor is difficult, especially if you do not know your audience or if there is a disparity in senses of humor among audience members. We have all been to the event where the speaker is introduced and she immediately tells a joke to “loosen” the crowd up and everyone chuckles out of politeness, not because the joke was funny. Moreover, people are most likely not expecting something funny and are not prepared to laugh. Many of you may be good at telling jokes, but working a joke into a speech is fraught with many obstacles. Again, you do not want to lose the focus of your audience if they do not think the joke is funny or if they just do not get it. If the humor of a point is organic, that is, if it flows naturally within the context of your material, you may find success and add to the impact of your delivery. Generally, avoid humor, but if you insist that it is part of your style, then have the audience smiling with you, not at you.

III. THE BODY

The use and positioning of your body is a vital component of any oral presentation. It is often said that the longest distance in the world is the three feet one travels from a seated to standing position. Once you rise to give your speech, you are no longer part of the audience or panel. All eyes are on you as well as all ears attuned to your words. The audience is not only listening to you; they are watching you and therefore your movement should not detract from your speech. In fact, if done effectively, your body movements can add to the overall presentation. The reverse is also true, for poor body mechanics can detract from the effectiveness of the presentation or send the wrong message.

POSITIONING

The decision whether to stand in one place or move about is dependent on the facility and the length of your speech. Of course, if you are delivering your remarks from a microphone at a podium, it will be difficult to move away from it. However, if you are speaking to a small group without amplification or if you have a lavaliere mic, you may want to change positions as you proceed through your speech. Your movements should be smooth and related to the content of your talk. For instance, if you are making a certain point and then changing topics to proceed to another point, it can be effective to then change your position by taking a few steps as you move into the next point. This will give the audience a visual cue that a new point is about to be made. The goal is to make the positioning of your body appear seamless to the content of your presentation.
Mindful Decision-Making  
7/14/16 – 8:30 - 9:30 a.m. (1 ETH)  
Alternate venue - held at Saul Ewing LLP  
Join us for the second program in the Business Law Section Mindfulness Series. This CLE examines mindful decision-making and how a mindful approach leads to ethical decision-making. Our faculty will provide a mindfulness foundation, offer a definition for mindful decision making, and walk you through a process for making decisions mindfully and ethically. This interactive program will enable you to incorporate mindfulness into your decision making process, apply the tools of mindful decision-making to a current decision you face, and leverage the skills of mindfulness to represent your clients ethically and zealously.

Mitigation and Reentry Planning In Juvenile Life without Parole Resentencings: Responding to Montgomery v. Louisiana  
7/19/16 – 12 – 3:15 p.m. (3 SUB)  
Presented by the Philadelphia Bar Association Legal Rights of Children Committee, the Atlantic Center for Capital Representation (ACCR) and the Youth Sentencing & Reentry Project (YSRP)  
This afternoon CLE program provides training on sentencing mitigation and reentry planning in the wake of the United States Supreme Court’s decision in Montgomery v. Louisiana that called for the resentencing of over 300 Philadelphia men and women who were sentenced to life in prison without parole before their 18th birthdays. Join your colleagues for a step-by-step overview of sentencing mitigation and reentry planning.

VIDEO ENCORE - Nuts & Bolts of PA’s Post Conviction Relief Act (PCRA): Practice and Procedure in Philadelphia  
7/26/16 – 12:30 - 3:45 p.m. (3 SUB)  
Any experienced criminal law attorney knows there are different types of review possible following a conviction. Pennsylvania state law and federal laws both give a convicted defendant such options. One such method is to file a petition under the Post-Conviction Relief Act (PCRA). The Act applies to individuals who believe they were wrongfully convicted or that their sentence is unlawful. This CLE certification program will provide a step-by-step approach to handling a PCRA case with comprehensive materials which include sample pleadings for all stages.

Bridge the Gap  
7/29/16 – 9 a.m. – 1:15 p.m. (4 ETH)  
The Bridge the Gap program is intended to give all newly-admitted PA attorneys the "know-how" which is otherwise learned through trial and error. The Supreme Court of Pennsylvania approved a rule change requiring newly admitted lawyers to complete the Bridge the Gap program by their first CLE compliance deadline. This program focuses on key issues of ethics and professionalism that are essential for all attorneys admitted to practice law.

Lateral Moves: Ethical and Legal Consequences of Changing Law Firms  
8/3/16 - 12 - 2 p.m. (2 ETH) (Video Replay)  
This two-hour ethics CLE is an in-depth discussion of the legal and ethical obligations relating to lateral mobility and firm growth. This CLE program will address: current ethics opinions on point, the relevant Pennsylvania Rules of Professional Conduct, the latest case law and best practices for the moving lawyers and their future and former law firms.

Nursing Home Litigation 101  
8/4/16 – 12 – 2:15 p.m. (2 SUB)  
This presentation will cover the basics of nursing home litigation from both the plaintiff and defense perspective. Topics will include documentation issues that are unique to nursing home litigation, common themes and defenses in typical nursing home litigation, and a discussion of strategy regarding expert retention. Our faculty will highlight the following topics: pre-suit documentation, arbitration agreements, common claims, wound care, fall case, corporate negligence, expert retention and distribution of funds from recovery.

VIDEO ENCORE - Strictly Speaking: Public Speaking Skills for Lawyers  
8/11/16 - 12 - 3:15 p.m. (3 SUB)  
Featured Speaker: Past Chancellor John E. Savoth  
One of the most important skills for lawyers is the ability to speak in public, whether it be before a forum of hundreds or a conference room with only a handful of people in attendance. This course will provide attorneys with the tools to conquer any public speaking engagement, including courtroom arguments and orations, firm presentations, large audience addresses, toasts and eulogies. Through the use of video examples, Philadelphia Bar Association Past Chancellor John E. Savoth will offer guidance on effective methods of delivery. Attorneys will learn practical tips and techniques to prepare them for any public speaking event.

“I Know what You did Last Weekend” - Effective Use of Social Media in Workers’ Compensation Litigation  
8/12/16 - 12:30 - 1:30 p.m. (1 SUB)  
This CLE program, hosted by the Workers’ Compensation Section, addresses effective use of social media in worker compensation cases. The faculty will examine the rules of evidence and how to discover social media information and admit it into evidence from both a defense and claimant perspective. Recent case law and new investigation techniques about social media will also be explored.

Avoiding Legal Malpractice  
8/24/16 - 9 - 11:15 a.m. (2 ETH)  
This is the second FREE CLE for Philadelphia Bar Association members in good standing.  
This 2-hour ethics CLE will feature Shelly Lawson, vice president at USI Affinity and the head of Lawyers Professional Liability (LPL) claims for CNA. Learn why lawyers are being sued for malpractice. What are the areas of practice where suits are most common? Are letters of disengagement really that important? Why shouldn’t lawyers handle a real estate settlement for a friend who needs just a little bit of help? Using your cell phone and iPad for communications with clients is certainly convenient but does it expose you to liability? This program will delve into the who, what, where and why of being sued for malpractice and how best to avoid it.

To view additional CLE offerings and TO REGISTER  
Visit the CLE page at PhiladelphiaBar.org

For questions regarding Philadelphia Bar Association CLE, contact Director of Continuing Legal Education Tara D. Phoenix at 215-238-6349 or tphoenix@philabar.org.
YOUR HANDS

Many folks have trouble deciding what to do with their hands during a presentation. Again, if you are behind a podium, you can simply place your hands on either side of it and occasionally raise a hand to make a point. If there is no podium, you should use your hands in the same fashion as the movement of your feet as noted above. A raised index finger to specify a particular point or a chopping motion to highlight repetitive phrasings can be effective. The key is to not overdo it.

YOUR EYES

As with speaking to a jury, you must seek out constant eye contact with members of your audience to make them feel engaged with the process and presentation. Even if you must read your speech due to its length and/or complexity, make sure you consistently raise your view to your audience. Otherwise, you will quickly lose them as you continue to read on to the finish.

YOUR VOICE

The effective use of your voice during a speech is one of the most overlooked aspects in public speaking. There are two primary components of your voice that can be effectively modulated during a speech: volume and speed. As for volume, it is not automatic that emphasis is created by raising the volume of your voice in making a specific point. In fact, it can be quite effective to lower the volume when making an important point, thereby drawing the attention of the audience in process. Likewise, when making a specific point, it can be extremely effective to slow your cadence down while enunciating the words. This will, again, draw the audience into the content of your presentation. Speeding up is rarely used for the simple reason that it may cause your audience to miss some of what you are saying and, in turn, tune out.

The above recommendations will hopefully help you on your way to becoming a more effective public speaker. A final point to be made is for you to fully understand that you are unique, that your experiences, both professional and personal, are different from everyone else. Use that difference to your benefit. It may seem easier to try and emulate a speaker that you admire, but it will be more effective for you to draw on your own, personal makeup to communicate to your audience. Copying another is akin to reading what you wrote: you will find it difficult to fully connect with the audience. Present yourself, flaws and all, and you will find that interest and attention will be fixed upon you by being genuine and credible.

John E. Savoth (jesavoth@mail.widener.edu), adjunct professor of law at Widener University Delaware Law School, is a Past Chancellor of the Philadelphia Bar Association.