



**Applying An Actor's Arsenal:
Techniques For Enabling Defendants In Criminal Cases To Become Better
Witnesses (With Side Benefits For Their Attorneys)**

Early on in my days at drama school, we were told of a study conducted in the 1960's by Albert Mehrabian, in which he concluded that an audience will absorb what we say by relying 55% on how we look, 38% on how we sound, and only 7% on what we are actually saying. I cannot attest to the scientific authority of this study, but from a performance point of view, I think it a useful thought to keep in mind. All public speaking, whether it is acting, debating, or speaking in court, is performance.

A jury, like a theatre audience, will pick up consciously and/or subconsciously on a speaker's use of gesture, voice, inflection, pacing, and the like. Whether we are reciting fiction or relating fact does not change this, and the public speaker can benefit greatly from an awareness of this fact. In short, an ongoing practice of the fundamentals of performance will help the defendant and/or attorney ensure that what they are saying -- even if it only accounts for 7% of what the jury is absorbing -- is heard.

The goal of my work with both witnesses and attorneys is to provide them with the same tools that actors use, to help them tell their story. Unlike actors, witnesses are not trying to create a role or a different person from themselves. The defendant must remain the defendant. The attorney must remain the attorney. There should be no sense of "acting" in either. However, like actors, defendants and attorneys face similar challenges and can benefit from similar skills.

In my work with defendants and attorneys, I have found a recurring theme: It is very hard to view ourselves objectively. It can be, and usually is, a traumatic step to take, rather like the first time one hears one's own recorded voice. However, in order to improve as public speakers, this is the necessary first step. Once we have done this, we open ourselves up to learning the tools that are available. For example, a person might have a specific physical gesture or vocal quality that he is inclined to use while speaking, which weakens his overall presentation (punctuating one's speech with "um's" and "uh's", wringing of hands, etc). By accepting this as something he is inclined to do, and realizing that his public speaking can be improved upon, he can then move forward in improving his presentation skills. This is an ongoing task. These individual physical and vocal characteristics are developed over a lifetime, and it takes eternal diligence to

ensure that they do not creep into our presentations. To illustrate, the well-known actor Patrick Stewart, celebrated as an actor with a beautiful speaking voice, has said in interviews that he hates the sound of his own voice, and works on it every day.

Having said this, it is important, especially with defendants, that the environment of this training be supportive and non-threatening. Unlike actors, defendants do not have the luxury of years to acclimate to or recover from harsh criticism, and the inherent stress of their situation is only exacerbated by such an approach. The key with defendants is to identify the areas where they can benefit most in a short period of time (for example, relaxation techniques, body language coaching, breathing exercises, and the like) and to encourage them to use these physical tools as an outlet to release the tension they feel, thus empowering them to give a strong, consistent testimony. The goal is to make certain that the vocabulary of gestures and vocal techniques that the defendant is using is consistent with the image that the defendant desires to project to the jury.

Attorneys have the potential to benefit both in the short term and in the long term from attention to their acts of non-verbal communication. Short term gains similar to those available to defendants can be achieved by an attorney going to trial in the near future, but even greater gains can be had by ongoing study. As one continues to study these techniques, they will eventually become second nature, completely available to the speakers if they choose to employ them. Once this happens, these techniques become formidable weapons in one's public speaking arsenal.