

STORYTELLING AS
ADVOCACY

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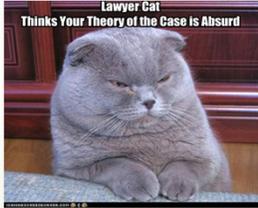


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IMPORTANCE OF STORIES

- We listen to stories differently than lectures
- We remember stories better than lectures
- We use stories all the time to be persuasive
- Storytelling techniques are applicable to both cross examination because they
- Engage the audience
- Allow them to come into another world, see things through another perspective
- Identify outside their own experiences

Theory of the Case



Another way to think of theory of case:

- How can I answer the question in the jury has in the case so that I can win?







STRUCTURE OF STORIES

- English 101:
- Tell them what you're going to tell them,
- Tell them and
- Tell them what you've told them



A FEW PLACES TO FIND STORIES

- <http://www.native-languages.org/legends.htm>
- <https://www.storynory.com/archives/myths-world-stories/>
- <https://www.storyberries.com/category/myths/>
- <https://www.pitt.edu/~dash/folktexts.html>



Importance of opening

- Studies tell us that 80% of the case is over
- The jury has made up its mind by end of opening
- You have to be winning
- Or at least even
- At end of opening or you have NO CHANCE to win

Opening Serves Many Purposes

- Establish rapport with jury



Another Purpose:

- To give your jury a way to hear your evidence



Another purpose:

- take wind out of the prosecution's sails



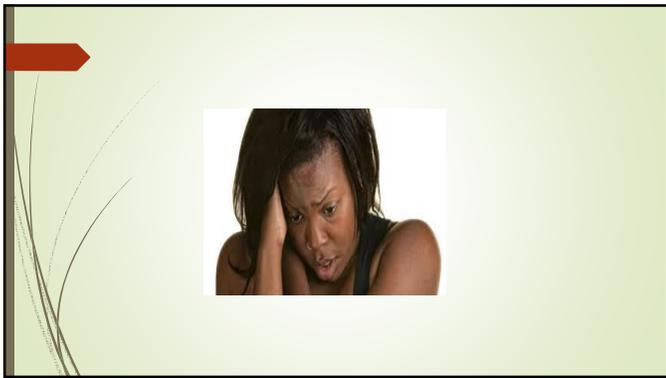
Components of a leading question

- One new idea or thought per question and only one
- No subjective words
- The question must actually LEAD









“Do's”

- Develop your theme
- Know your own point of view
- Use analogies
- Set the scene
- Use of Threes

“Do's”

- Use direct stories
- Quote from voir dire
- Express your own *sincere* emotions
- Use demonstrative aides
- Be willing to take your time
- Deal with the bad facts
- Try for unanswerable last word

Name the Dragon



“Don'ts”

- Don't distance yourself from the jury
- Don't tell the jury what to feel
- Don't tell them arguments are not evidence
- Don't "challenge" the jury
- Don't personally attack the police or prosecutor

“Don'ts”

- Don't challenge the prosecutor unless....
- Don't be afraid to ask for mercy

