

Lawyers Learning to Communicate

by Pat McEvoy

“It’s honestly the best class I have taken in law school. This class is preparing students to be lawyers, not just how to act like one or read cases.”

DePaul Law School student, 2008

“What you are providing to your students is important and inspirational. These future lawyers will one day come to realize the significance of the experiences that they are receiving at this early stage in their professional lives.”

Ed Burr, 2008

What are they talking about?

DePaul Law School in Chicago has taken a huge step in giving its students a glimpse into how law is communicated. In 2007, Michael Panter, an experienced trial lawyer created a new kind of law class – Litigation Lab. The concept was Panter’s brainchild; he came up with the idea, convinced DePaul to try it and made it happen.

Here’s how it works. Twelve law students (who have completed Rules of Evidence) meet once a week and work on real cases. For each class, a practicing lawyer comes in and gets help on an active case. The cases are in various stages of development: discovery to the eve of trial. For about two and a half hours lawyers, students, Professor Panter and trial consultants work together on a case. The work is tailored to fit the needs of the case and the attorney. One lawyer needs help in discovery, another needs feedback on damages and another needs feedback on the best way to deliver an opening statement. Attorneys pay \$350 to DePaul and get CLE credit, plus over two hours of help. It’s a bargain. As one participating lawyer said, “I would much rather obtain the [CLE] hours working on my cases than attending a lecture on something I either know or have no need to know.”

The result has been extraordinary. Lawyers are lining up to take advantage of this unique opportunity. During course registration, students filled the class within minutes based on word of mouth alone. In the fall 2008 semester the program is expanded to three sections. As one student told me, “Some classes I wonder if I’ll ever use the information – this one I knew right away I would.”

As a trial consultant I have had the privilege of participating in many of the classes. I am not the only trial consultant; Katherine James from California, David Ball from North Carolina and others have participated and are on the Board. I also invite my clients to bring cases to Litigation Lab. Some are cases I am already working on and some are smaller cases on which I would not normally work. While law students are not a representative sample from the venue, their perceptions are valuable nonetheless.

And there is more. Before the attorney arrives, the class does communication warm up exercises—they stand up and share a story about a member of the family, tell us something they know for sure or tell a story that expresses an emotion. We work on eye contact, speech anxiety and nonverbal communication habits. Most of all we work on authentically connecting with the audience.

My biggest reward is watching students “get it” and then run with it. They learn that knowledge of the law is not enough to practice law—you have to be able to communicate it well and persuade jurors. They get better at standing up

and delivering an argument extemporaneously. They are eager and become passionate about the work. They see a wide variety of speaking styles from the practicing lawyers and they are able to make a difference—they can help a real lawyer on a real case. They practice coming up with an idea or a theme that the attorney never considered. More than

one attorney said to me, “I wish I had had this class in school.”



In the Litigation Lab, law and the real world of litigation come together. For some students it is happening for the first time. The atmosphere is electric. Want more proof that the concept works? At the end of the semester, demand from lawyers for more sessions led 30 law students to sign up to participate for no credit.

Professor Panter and I have also learned a lot about how to improve the class. Of course, the class requires conflict checks and confidentiality agreements. For each class a Project Manager is assigned to each lawyer to help guide the class, and to make sure the attorneys' needs are met. Students are graded on class participation, journal entries and other assignments.

As a result of two semesters and three sections of Litigation Lab, the results are in: the class is a great idea that works.

Here are the results from just two of the attorneys who participated last semester.

I greatly appreciate your help and that of your litigation lab students. I just returned from San Francisco and oral argument before the 9th circuit. The preparation with your class was invaluable in ferreting out the best and worst arguments as well as preparing me for the judges' questions. I used all of your advice and if you listen to the argument online, you will see that your class made my argument.

And

Last night the jury returned a verdict of 4.74 million dollars. We had asked them for a verdict of \$6 million, and we and the clients are just ecstatic. [We] mentioned a number of times during the trial, how helpful the ideas we had discussed with your class [sic], as we saw time and time again certain of those themes, good and bad for us, played out during the course of the case. Having the benefit of seeing how people responded to those things, and the time to prepare appropriate responses to them, was invaluable to our success. I actually went over the class notes again, the weekend before closing argument, and I was surprised at how our thoughts at the time were mirroring what was going on in the courtroom.

Of course this class cannot replace the work done by a trial consultant. It does not replace research conducted with jury-qualified people. It does introduce students and lawyers to the work of a trial consultant. It does make the trial consultant an integral part of the team. They get that we bring different skills to the case. They get that their communication skills will have as much to do with their future success as their legal knowledge.

This is how I spent my pro bono time this year and I intend to participate for as long as I am invited. This is a class that should be everywhere in every law school.

Is there a law school near you that would be interested in teaching communication? For more information on the DePaul Litigation Lab or to receive a copy of an article published in the Chicago Lawyer, contact Mike Panter (panterm@mikepanter.com) or call him at (312) 493-9903. If you would like more information from me, email me (pmcevoy@zmf.com) or call me at (312) 494-1700.

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The September edition of *The Jury Expert* unveils several firsts: our first reader-requested feature (on preparation of narcissistic witnesses); our first law student author (Jason Miller on buffer statutes); our first author from the Netherlands (Fredrike Bannink on solution focused mediation); our first article on training law students (the DePaul program); and our first Favorite Things (we couldn't choose just one). Help us stay fresh--send in your wishes for upcoming issues--what would you like to see? Tell [me](#)...we'll see if we can make it happen.

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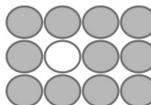
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