

# EVERYBODY RISE! PERFORMANCE SKILLS FOR LGBTQ+ LAWYERS

## CLE MATERIALS

© 2023 Paul Marchegiani

As lawyers, we're trained to be deeply skilled at gathering, absorbing, and analyzing complex information, crafting and dissecting arguments, and using words to advise clients and express concepts with great precision. But truly great advocates – those who will not be so easily replaced by AI – are able to connect with others on a human level, nimbly assess risk and opportunity, and practice their trade with integrity, wisdom, persuasiveness, and presence.

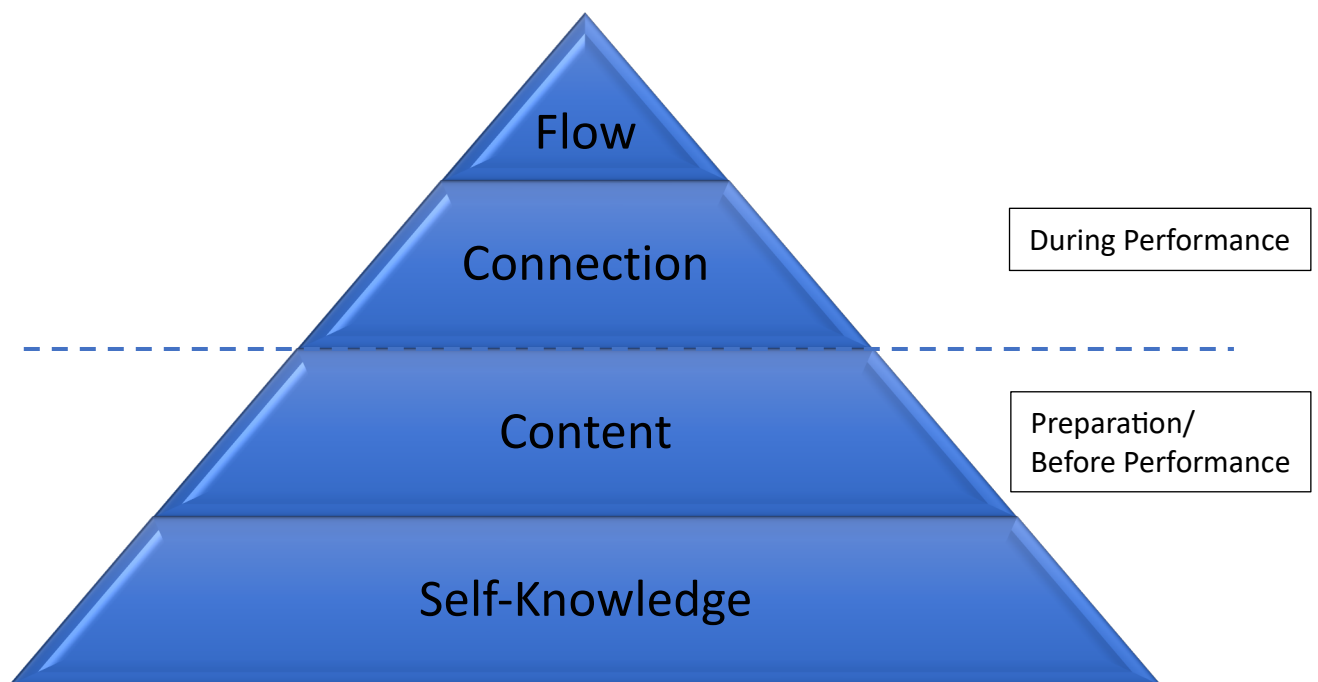
When it comes to the most human and vulnerable of lawyerly acts, public speaking, we as zealous advocates must bring our full selves to the table. These materials will help you harness that humanity to become a more effective advocate for yourself and others.

### RHETORIC & PRESENCE

Aristotle proposed three components of persuasive communication, forming the basis of much of classical rhetoric:

1. Ethos (the character of the speaker)
2. Pathos (the emotional state of the hearer)
3. Logos (the argument itself)

These three rhetorical appeals are useful, but only tell part of the story. My research zooms out on this classical paradigm, viewing public speech as an athletic and communal act focused on the dynamic *interplay* between the speaker, the content, the audience, the space, and the moment itself. To illustrate this, I've proposed the following structure:



Think of these as tanks that each need to be tended and kept full — if you suspect one tends to run low, notice it, and do your best to put in whatever work is required to fill it up again. The lower two rungs of the pyramid, Self-Knowledge and Content, require tending and thought long before entering the room (or picking up the phone, logging onto Zoom, etc.). The last two, Connection and Flow, are skills that maximize one’s effectiveness and honesty in the space and during the performance. Looked at another way, preparation requires judgment, analysis, and reflection, whereas the performance itself requires release from judgment, opting instead for a grounded freedom, sense of play, and relentless openness to new information that you will encounter in the room and cannot control.

Self-Knowledge and Content require significant study, honest analysis, marination, comparison to the “moment” and the current state of the world, and constant revisiting to be able to distill and rely on them as a foundation for advocacy. As a lawyer, you must know the law, the facts, and how you feel about them. But you must also know yourself and develop your judgment so that you have a reasoned, seasoned, thoughtful point of view.

Connection and Flow, on the other hand, get you out of your head so that you can be truly present with others. They require equanimity, openness, and staying connected even when it’s difficult, asking you to meet the moment and adapt to the needs of the audience, the subject matter, your body, and the situation. Connection involves the art of tuning in, whereas Flow involves the art of letting go. Once you understand and experience the artistic process of Connection and Flow, then you can hone your craft, and ultimately just surf the sine wave of connection and release for as long as the moment will allow, relying on your craft to find it again when you lose it. This requires practicing in different environments, failing, and trying again and again — striving, as Martha Graham said in her letter to Agnes De Mille, to “keep the channel open”. It is art and craft intertwined:

*There is a vitality, a life force, a quickening that is translated through you into action, and because there is only one of you in all time, this expression is unique. And if you block it, it will never exist through any other medium and be lost. The world will not have it. It is not your business to determine how good it is; nor how valuable it is; nor how it compares with other expressions. It is your business to keep it yours. Clearly and directly, to keep the channel open. You do not even have to believe in yourself and your work. You have to keep open and aware directly to the urges that motivate you. Keep the channel open. No artist is pleased. There is no satisfaction whatever at any time. There is only a queer, divine dissatisfaction, a blessed unrest that keeps us marching and makes us more alive than the others.*

Speaking with presence is not a bullying act to control or take space; it is a confident, relaxed, but still active state of *fully inhabiting* space. Presence requires taking full notice of your surroundings and generously tending to the space between. When you understand your power, know your message, tune into the space, and get out of your own way, your speech will resonate with others. When you speak and move with presence, the world seems to slow down. A sense of calmness falls over the room such that everything within it, the people, the furniture, the walls, the light, even the air, all feels integrated; equally valuable parts of a greater whole. Your breath becomes easy and natural. You move decisively and nimbly, and can pivot easily without losing energy.<sup>1</sup>

---

<sup>1</sup> A word on the ethics of presence. When you act with empathy, and truly connect with others, you must do so ethically, otherwise the pipeline will close and worse — you may cause great harm. Master manipulators and predators are often quite empathetic; they see an opening and they pounce. Or they may create the illusion of an open pipeline, but after a quick interaction, it becomes clear that the pipeline was only one-way, and then they swoop out or change the subject, after taking advantage.

So while these skills are content-neutral, it is important to remember that by increasing empathy among society, you can also more easily identify manipulation when you see it, understand it as such, and then gaps in that person’s self-knowledge, content,

## **SELF-KNOWLEDGE**

Your values, background, and point of view inevitably shape your speech, and lend *ethos* to your talk. Your viewpoint may not resonate with everyone, but in speaking persuasively, you can offer your point of view to try and meet the moment and perhaps influence the future.

Your point of view should come through when you enter a room and speak. Test it regularly. Is it truly your own point of view, or just what others expect you to say? Ask:

- What do you stand for?
- What values drive your decisions and your interests?
- What are you genuinely curious about?
- Why did you go to law school and choose this career?

Audiences trust you more if you're authentic and bring your full, best self to the party (within the bounds of professional ethics, of course). So speak authentically. Be proud of what you say.

You are the messenger in this particular moment. Why does it matter that *you're* the one saying what you're about to say? What do *you* have to uniquely add to the discourse? Use your curiosity to discover your point of view on the topic, and *share* that enthusiastic discovery with the audience.

This isn't to say that the talk should be about you, though. Persuasive communication isn't an indulgent act of "expressing yourself", or a bullying act of getting your point across regardless of what comes back at you; it's a generous, equanimous process of sharing, listening, storytelling, and inspiring others to action through shared values. Thus, by doing the work of understanding and openly sharing your authentic self with the audience, you *invite* them to see commonalities.

Part of self-knowledge is also knowing your weaknesses, failures, and embarrassments. Don't be afraid to acknowledge them if the moment calls for it. If anything, admitting your imperfection and mistakes — especially after taking some private time to process and put them into perspective so that mistakes seem small — humanizes you and builds credibility. Again, it's not about you, it's about the *underlying truth*. Consider yourself a strong, brilliant guide, carefully (perhaps thrillingly) navigating your audience down the fact pattern river. Do the preparation, call upon shared values, embrace honesty and integrity, and take care of your audience.

## **CONTENT**

Lawyers often excel at content and organization – skills that AI will make even easier to master in the coming years. Since the bar for excellence will be higher, extra care must be taken to properly frame the questions we discuss, and to synthesize the facts, law, and arguments in a way that creates a compelling, persuasive story that meets the moment.

---

connection, or flow. An effective communicator and advocate sees when a manipulator uses empathy to disguise lack of preparation or sound content, and can call it out as such and reframe the argument appropriately.

To set yourself up for a successful presentation, look at preparing the content as a four-part process, starting with (1) assessing the goal of your communication, then (2) researching and knowing the facts and law, (3) structuring and evaluating the arguments, and (4) telling a story that you believe in.

### The Aim

As a first step, know your aim. What do you want the audience to get from your speech? Sure, you want to persuade them or inform them, but what *feeling* do you want them to take away? Do you want to delight them? Frighten them? Excite them? Inspire them to action? Prevent them from making a horrible mistake? Open their eyes to a new way of thinking? This needs to be in line with the substance of your talk of course, but always keep this aim in the back of your mind as you prepare. Your aim should directly inform the words you use to connect with your audience. You can't *make* them feel anything ultimately, but you can set the tone and *invite* them to join on the journey.

In terms of goals, it's rarely wise or persuasive to pedantically lay out every piece of the logical puzzle to your audience in an oral presentation. We only remember a few things at most from any speech, most of all the way the speaker made us feel, so your goal should not be to use speech to convey detailed and complicated information. Structure your points sensibly, and instead use your writing to lay out the detailed logical arguments, and refer people to written information after you spark their interest. In oral communication, give them the most salient, interesting, and vivid pieces of support for your thesis... spark their curiosity, and they will be predisposed to understand the rest once you've engaged them on an emotional journey. You can then direct them to the details later (and in the case of litigation, your brief will have already done most of that work).

### The Substance

Second, and in many ways the most important, you must *really* know and understand the law and facts before you speak about them. Have you done sufficient research and asked all the salient questions? Do you know the record backwards and forwards, such that you know what facts are important (and why), and which are not (and why)? Have you zoomed out far enough, and looked at the issue from all angles? There is zero substitute for real preparation here, and you should not underestimate the ability to completely tank your presentation by cutting corners.

### The Argument

Knowing the facts and the law, you should then focus on the *logos* piece: the specific arguments you want to make, including their limits and any potential weaknesses. Understand the evidentiary support for your argument and be able to explain it to anyone. If there are aspects that — after diligent examination — you don't 100% believe<sup>2</sup>, then narrow your argument or be honest that those aren't your focus. If you haven't adequately examined all aspects of your argument, then you're lacking in preparation or your argument isn't properly framed, and if backed up against a wall you'll need to be up front that more analysis needs to be

---

<sup>2</sup> It's essential that you *believe* what you are saying 100%. As a general rule, audiences can sense when you're bluffing or unprepared, and especially as a lawyer, you owe integrity to the court, your opposing counsel, your client, the jury, the public, and yourself. Otherwise, you're trying to con, manipulate, or condescend, and you and your audience deserve better than that.

considered.<sup>3</sup> Whenever possible, build in a few extra days or weeks to really let your theories and ideas marinate. Go back to them and test them regularly.

### The Story

Once you understand the material you'll be presenting or discussing and the argument that you want to make, then it's story time. Think about how *you* relate to the information, why *you* are a good messenger, and what *you* can add to it. Use empathy to explore the link between what you value, what you are trying to say, and what the audience likely will value or need to hear. This may go unspoken in your speech, but you and the audience will feel this extra step. It's part of knowing the topic intimately, and it may uncover a connection that could help you frame your argument more urgently, or decide which stories to tell.

Play around with the following storytelling tips to help flesh out the story. "And then what happened" are the four most important words in storytelling per Neil Gaiman. Remember, good stories and themes have an emotional element. Keep us excited, like kids listening to a bedtime story.

- Platform/TILT/Platform. There is a way things are at the beginning, then something unexpected happens, then there is a new way things are at the end. All stories have a beginning, middle, and end.
- Round out your story (or your clients' or witnesses' stories) by using "Color, Advance, Emotion" as tools. These are great for fact-gathering questions as well.
  - Color: What was the time of day, quality of light, smell in the kitchen, etc.
  - Advance: What happened next
  - Emotion: How did it make you feel? How did others feel?
- Practice distilling your story:
  - Story (30-second or longer description of what happened). "*Mae Parker worked as an accountant at her uncle's business, Harrisburg Construction, for nearly 7 years. He gave her the job when no one else would hire her, took the time to train her, and promoted her year after year. Then, one day in May 2022, Mae turned her back on her uncle, wired \$2MM to a Swiss bank account, and booked the first flight to Zurich.*"
  - Logline (one sentence distillation of facts that is your **theory of the case**). "*Mae Parker turned her back on her uncle by embezzling \$2MM from the family business.*"
  - One Word (one word/phrase **theme of the case**, from an emotional perspective that your audience can empathize/agree with). "*This is a case about disloyalty.*"

### **CONNECTION**

---

<sup>3</sup> Sometimes in life — even frequently if you're smart and well-spoken — you can eke by without full preparation. Maybe the judge didn't ask the tough question you feared. Maybe opposing counsel missed a damning case citation or omitted an obvious line of questioning in a deposition or cross-examination. Maybe the other side in a negotiation didn't catch a tricky contractual provision, or understand its legal implications. But don't mistake dumb luck for preparation. Worse, because you'll be worried about an error or counterargument, you won't be fully present and you'll miss an opportunity to make a real impact. Dig deep, and put in the time you know you need to wrap your head around your topic.

Connecting with others requires empathy, confidence, honesty, and openness to change. This is how barriers are shattered and how deep trust is built – an essential skill for an advocate tasked with persuading strangers. Connection can be examined in relation to (1) the content of the speech, (2) the space, (3) the other people present, and (4) the current moment in its historical context.

### Building Trust

Connection starts with your ethical mindset about the content. While you must know the subject matter backwards and forwards, including how you feel about it, you should also enter every persuasive conversation with the tacit understanding that if facts were proven to change, so might your position. This good faith approach to the topic and the conversation is essential to lasting, non-manipulative persuasion. Once that two-way pipeline of connection is established and trust with respect to the content and the rules of engagement is built in both directions, then the task is to keep it open and strong so that information in all its forms can flow back and forth.<sup>4</sup>

Once trust is earned, empathy and connection require listening. Listening isn't just hearing words; it's multi-sensory. Notice what's around you as well as how you react physically and emotionally to what you observe.

### Noticing the Space

Start by noticing the space. To key into spaces, slow down and practice noticing things in everyday life. As an exercise, notice something new about a familiar object every time you look at it. Begin to notice your emotional reaction to things... do they make you happy, sad, nostalgic, curious, fascinated, angry, anxious? Acting legend Stella Adler, in *The Art of Acting*, advised her students to be acutely aware of the world in which an action takes place: "When you see a thing, it exists and has a life. See that life. Respect everything. Everything will speak back to you."

Try to have some alone time in the space (the specific conference room, courtroom, classroom, etc.) before your talk. If you don't have that time, when you first enter, ask yourself questions like: Is the room austere or inviting? Is it hot or cold? How does it smell? How much does the sound reverberate? Is the quality of the light cool, warm, flickering? Are the seats comfortable? Do the chairs squeak? Do the lights buzz? Do heels clack on the ground when people walk? Is there nervous laughter? Are there any distractions, or does it feel comfortable and relaxed? Are there status signals, like the height of the bench, the grandness of the architecture, or the depth of the gallery? All of that is *real information*. Accept it, don't fight it, and figure out a way to "yes, and" it in a way that brings you, the room, and everything in it together. The more that you are actually aware of the room, the more you will appear to command it (which is really just what we say when a performer feels completely comfortable in a space, and nimble enough to pivot anywhere they want in the room).

Once you develop this level of intimacy with the space – a level of connectedness and comfort that few people in that room will have – you can then go the extra step of using what's actually in the room. If you need a focal point, connect with the actual faces in the room as a Shakespearean actor would, or if it's a bigger crowd, an item that interests you at the back of

---

<sup>4</sup> If a participant is unwilling to play by these rules, and if you're unable to reframe the conversation after repeated efforts, then it's often best to simply and nonjudgmentally note that observation, and politely end the conversation. It's nothing personal; it's just that your time is better spent discussing this particular topic with someone who is genuinely open to considering other points of view.

the room: a door, a light, a clock, an exit sign, a portrait, anything you like. You can also seek out metaphors. Analogies can come from anywhere. Continue to look deeper and deeper at an object and profound connections can emerge. Making an appropriate analogy out of something actually in the room is vivid, memorable, wakes up the room, and makes you seem like you are in complete command of the space because you are completely connected to it.

### Noticing People and Relationships

Acclaimed voice and presence coach Patsy Rodenburg's theory of presence in *The Second Circle* can be profound helpful in connecting with others. Rodenburg states that there are three circles of energy that we move in and out of at various times: first, second, and third. First Circle is where the energy falls inward toward yourself. It's passive – information and energy comes at us, but we don't react to it, but absorb it and are inwardly focused instead. We are often like this when we are killing time on our phones, or exhausted and on the couch after a long day's work.

Third Circle, on the other side of the spectrum, is when energy is generalized and pushed out. It's the circle of aggression, of bullying, of taking up all the air in the room. It's trying to make something happen.

Second Circle is the ideal middle ground between the two, and where we want to be when we are speaking in public. It's the circle of absolute give and take, of equality, and of true listening and intimacy. This is the circle that you want to be in when you are trying to truly connect with another human. So notice when you and others fall into First Circle or push into Third Circle. Are you more naturally in First Circle or Second Circle?<sup>5</sup> You might sense time slowing down or your peripheral vision opening up in Second Circle. In this slowed down, tuned-in state, you can more easily receive signals others give you, and notice your physical reactions to that information. Do they seem angry, calm, tired, at ease, impatient, relaxed, joyful, tense, cold, hot, hyperactive, in pain? Do they seem comfortable or uncomfortable? Remember, information doesn't just come from words. As theatre directors Anne Bogart and Tina Landau described in their groundbreaking book, *The Viewpoints*, information comes from movement, posture, emotions, interaction with the environment, silence, appearance, timbre, smells, volume, colors, texture, tempo, duration, architecture, and much more. Indeed, the space *between* people and the objects in the room should feel just as vibrant as the objects and people in the room themselves.

Consider relationships between people and status as well. Are you objectively in a higher status role than your audience? Lower? The same? Understand (as part of your preparation) your natural status given your role, and then you can give/take status judiciously in the moment.<sup>6</sup> Status can change at various times in a proceeding or negotiation. In a courtroom, the judge has the highest status (though even the judge will occasionally give away some status to members of the jury when thanking them for their service, etc.). Lawyers should put themselves above the jury and below the judge, but not too far below, or they risk coming

---

<sup>5</sup> If you're prone to Third Circle and need to dial it back quickly, it can be helpful to feel yourself at a 10 (on a scale of 1-10), but show just a 7. If you're prone to First Circle, you might feel a 5, but show a 7. This trick can help you key into others and read the room better, then you can more easily find Second Circle.

<sup>6</sup> Interview/negotiation tip: practice matching energy/mirroring if you feel stuck (or if you notice you're in first or third circle and need to move into second).

across as unqualified. An expert witness might think of their status as more or less on par with the lawyer, but ultimately *just* below, especially when it comes to procedural and legal matters.

There are also ways to judiciously give away or take status when necessary. Using honorifics like "your honor", "sir/maam" give away status, as do "please" and "thank you". These tools are always at your disposal if your status relationships begin to feel off kilter. Posture, speech volume and clarity, and confident eye contact can help you make yourself larger and assume status if you feel yourself shrinking. The same is true in negotiations. When do you want to take status, and when might you want to give some away?

### The Moment

Each speech is given in a particular context. This context has dimensions that range from the macro (historical, geopolitical, social, economic, religious, cultural, etc.) to the micro (time of day, news cycle, weather, personal health, etc.). Each of these inevitably informs how you might give a speech and how it will be received. A great advocate sees this as an opportunity to more deeply connect to an audience. By zooming out to the appropriate level, and articulating a well-thought-out position on a topic of nagging but unspoken presence, the audience will appreciate you even more. Perhaps a news story is top of mind for the jurors the day of your closing argument. If it fits the story, why not reference it in your speech? It shows you are present, listening, caring.

This does not always need to be a grand gesture. Great improvisors and comedic actors, when performing in a venue with fire trucks racing by with alarms, will acknowledge and incorporate the sirens into their act. It is part of the moment. Everyone is thinking about it, and it's a great sense of relief and camaraderie when someone – you – can give voice to it.

Finally, when in doubt in a stressful situation, you can occasionally use this skill to call it out. Acknowledge and articulate your observations about what's in the room, and if it makes sense, do something to make the environment more positive and hospitable for people:

- "This conversation feels like it's getting a little confrontational. Should we take 20 minutes and then regroup?"
- "It's a little hot in here. Let's open some windows."
- "We all seem tired. Should we take a water break?"
- "I've asked a few questions about your tax returns now, and you've been fidgeting a in your chair after each one. Do my questions about your tax returns make you uncomfortable?" (This and the following point are high status moves, may draw objections, and are about as leading as I'd go with observations)
- "You seem nervous. Is there something that bothers you about this line of questioning?"

Improvisors call this "hiding in plain sight" – the idea that the audience notices more than you think they do, so you might as well earn their respect by naming it. Just be sure your observation is correct! And if you're ever worried the audience is just generally hostile towards you, find something you genuinely respect about the people in that room, and use that as your guiding light. As Bob Hope said, you have to let the audience know *you like them!*

*The actor knows how easy it is to lie, to fake. What he must do is surround himself with things that are true. As long as he can focus on those, he won't be tempted to lie. – Stella Adler, The Art of Acting*

## **FLOW**



You're self-aware, you've done your preparation, and you've noticed and connected with the environment in second circle. Now is the time to let go, trust, slow down, drop down into your body, and enjoy the engagement. It's time to be present: in your body, with your voice, with your mind.

### Physical Presence

Effective advocates don't just speak from the neck up – their whole body is engaged and fully invested. This requires a willingness to be vulnerable in front of people, as well as a deep understanding of one's body, voice, and emotions, understanding how each may react to various circumstances.

Alexander Technique – a way to look at movement and posture that many professional musicians and actors rely upon – provides some great imagery to help us move and speak with freedom and confidence. Some posture tips:

- Stand with your weight evenly balanced on your feet, about hip distance apart. Stand ever-so-slightly forward on your feet, with a bit more weight on the balls of your feet than the heels. Breathe.
- Notice any habits. Do you tend to favor one side versus the other? Where does your weight naturally want to go? Do you have trouble standing still? Reset and breathe.
- Your ankles and knees should be flexible and not locked. Our legs extend to the ground from the pelvis, and we should feel connection to the ground equally through four points on all feet -- heel, ball, big toe, little toe. Imagine the earth pushing up and supporting your feet as your feet touch the ground.
- Notice how long your spine is, extending all the way from the tip of your tailbone to almost halfway up your head. Feel the back of your skull and nod up and down gently. That's how far up your spine actually goes... think of your head floating gently on top of that. Jaw, neck muscles, and shoulders gently and naturally fall away towards the ground from there (don't push the shoulders back... that constricts). Think of your spine like an antenna connecting the earth with the sky. Massage away any neck, shoulder, jaw, and even tongue tension to help those muscles get out of the way.
- Take a low deep breath and on the exhale, go for a walk, rolling easily from heel to toe through each foot, while maintaining the length of our spines. When you run out of breath, stop, take a new breath, and on the exhale walk again. Inhabit the space with this feeling. We're looking for balance between length and groundedness, and the chest should be open, flexible, and naturally confident.

### Vocal Presence

Vocal authority comes from freedom, support, and resonance. This allows the voice to flow out and naturally bounce off all the resonators inside us from the chest up to the tiniest sinus cavities and bones in your head. That adds vocal dynamism, overtones, amplification, and makes sure we are producing an expressive sound that can carry.

- Freedom. Rather than forcing sound out, allow yourself to take a deep and full breath, where the diaphragm naturally lowers, the rib cage expands all around you (including into your mid-back), and the sound comes up and out unrestricted by your shoulder and throat muscles and tongue. Stretches and massage can help with this, particularly

gently stretching the side ribs and the neck (never forcing, always gentle with a c-curve to the side, staying grounded and long through every stretch).

- Support. You need a steady, deep flow of breath to keep the vocal cords purring. This breath should be free and low, imagining it to the pelvic floor. Your ribs should expand on the inhale, and your breath should come out steady and free on the exhale. You can see this by lying on your back in a semi-supine position (knees up, feet down). You should be able to put a book on your lower belly and see it rise and fall with the inhale and exhale. The more you can speak with a constant, easy, *legato* flow of air, the more pleasing the sound. You can always choose to make a more strident sound when the moment calls for it, but having an easy, beautiful tone – which virtually everyone is capable of – should be the goal.
- Resonance. Sound waves require pressure and space to amplify and resonate. Several places in our body amplify sound naturally and add interesting color and overtones.
  - Space. First, you need space above the vocal cords to amplify the sound waves coming off the cords' vibration. This space is created by gently raising your soft palate (where the uvula dangles from) and gently lowering the larynx. The trick here is not to use your muscles to force it or to get in your head about the mechanics of it. Just imagine the beginning of a yawn (or speak like Julia Child!) and you'll get the sense of space in the back of the throat/mouth.
  - Resonators. Sounds created by your vocal cords and amplified in the voice box then have to travel out of your body. They bounce around different cavities and bones as they do this. Hum gently up and down, and you'll see that higher notes vibrate at the tip of the nose and maybe even up between the eyes or at the top of your scalp. Lower notes will cause your sternum to vibrate. Explore those sounds, and use gentle humming to wake up all those resonators, big and small. If you're stuffed up, this is especially important (again, gently). Humming or singing in the shower is a great way to do this, since steam can help loosen any phlegm.
  - Notice how your voice interacts with various spaces. Is there an echo? How long does it take your sound to die out after a phrase? That reverberation should inform the pace and energy of your speech.
- Articulation. Our tongue, lips, and jaw help us form the sounds into words. These articulators must be loose and nimble, so that sound isn't constricted on its way out, but rather shaped. Words should be carried through and coordinated with the breath, in a swinglike motion, where we inhale as the swing goes back, and words come out on the exhale, trippingly on the tongue, followed all the way through to the natural end of breath (not pushed past so we're squeezing air out).
- Vocal Health. We get into trouble when we try to muscle the voice, or we don't speak with enough full, easy, low breath support. Easy and gentle is the key. Rely on your resonators, not your muscles to create big and dynamic sounds. Some additional tips to remember:
  - Use Julia Child voice (or the beginning of a yawn) to open the back of your throat and have the sensation of speaking "above" the vocal folds, rather than pressing on them with vocal fry or unnecessary tension in your neck. This sound will fill up the room more, sound both warmer and more confident, and exhaust you less.
  - Humming or voiced lip trills are a great way to warm up the voice and give it presence and resonance. Gently hum up, down, and all around the scale (or hum a song you like) without stopping the sound with your throat. Let it flow

easily and buzz in your lips, cheeks, nose, and forehead. Use it as an opportunity to release jaw, tongue, and neck tension. Nice and easy and free. Try humming into speech when you practice.

- Get your jaw and tongue out of the way. Massage them if necessary, and gently move your jaw side to side while you speak to see if you can still phonate without restriction.
- Strive for a balance of *feed-forward* and *feed-back*. Think about gently filling the room with your voice (not Third Circle, though... be in Second so that you can feel how every sentence lands). When you speak, when does the echo/reverberation stop? That's feedback. Wait for that ring to stop in the room before you make your next point.
- If using a microphone, use the first few words you speak ("May it please the court", or "Good morning, Denver Bar Association!!") to see how the sound reverberates and how the audience is hearing you. Raise or lower the mic (while you're speaking is totally fine and can feel very professional with practice), or move slightly towards or away from the mic as needed.
- Land the gesture, whether physical or vocal. Wait for your point to hit before moving on to the next one. Martha Graham focused on tension and release... allow for a moment of release after the compression of using language to make a point.
- Listen for the echo of your voice to stop, or the audience reaction to settle until it becomes second nature. Comedians give space for the laughter... it's a rhythm.
- Remember the swing. You inhale, and on the exhale you speak. Follow the phrase all the way through to the end without losing steam. Use your arm to mimic a slow underhand pitch as you breathe in on the backswing, and speak out on the throw, keeping the energy in your arm as you finish your phrase.

### Mindset

Once your body and voice are ready to deliver a speech, and you know what you're saying, you might be ready to go and all warmed up to perform. But since we want to work from a relaxed yet fully present and active state, you might have some work to do to calm your nerves and get into the right frame of mind. There's no one-size-fits all recipe for achieving uninterrupted flow and getting into a calm-yet-aware Second Circle, but some common themes have emerged from the fields of sports psychology and performance theory, as well as my personal experience as an opera singer, improviser, actor, law school lecturer, lawyer, and coach. Specifically, focus and breathing.

For some people, focusing on internal *intention* and mindset can be a way to achieve flow. Some concepts to consider:

- Remember your aim. Be a guide who focuses on sharing a profound truth with the audience, or remember that your goal is to delight, inspire, etc.
- Don't try to *make* anything happen; allow what will happen to happen and trust that you are enough.
- Embrace a beginner's mind, and let your curiosity lead you forward.

- Focus on process rather than goal... you've done all the preparation you're going to do, so now is about accepting yourself for where you're at and getting out of your own way.
- Have gratitude for the opportunity to connect with others about an important topic.

Alternatively, sometimes what we need is to focus on something *external*. If that's the case:

- Let images gently come to you, rather than searching for them. Literally relax your eyes. Remember that your optic nerve is all the way in the back of your skull.
- Let your eyes catch something *actually in the room*. A light fixture that's flickering. A portrait on the wall. A smile on someone's face. Just notice it to bring you back to the present.
- Use the work you've done noticing emotional reactions to your environment to find things, colors, textures, people, etc., that calm you and bring you joy (or that make you concerned or thoughtful, if that's the emotional state you need to connect with for your speech).
- Embrace physical rituals. John Wooden had his basketball team learn to take the time to lace up their shoes properly before each game to avoid injuries (it worked!), but also as a centering ritual.

Improvisation is another profoundly effective tool for certain people to focus, particularly those of us (like many lawyers) who tend to get caught up in our own perfectionist thoughts. Improvisation is the art of spontaneous creation. It is a core human drive that manifest everywhere from sandboxes to comedy clubs, debate stages, and jazz sessions. The foundational rule of improvisational comedy is "yes, and". This ethical principle allows two or more people to create something out of nothing (though it is also often possible to "yes, and" oneself, as we'll see). Person A makes a statement or offer of some kind, and Person B says "yes" (i.e., acknowledging the existence of what Person A said), and adds an "and" (i.e., an additional piece of information that builds on the initial offer). This process is repeated until the scene ends. In its purest form, each piece of information is dart-like, concise, methodical, and simple. One building block only, followed by the other person's block. Past information may be reincorporated and used to justify future offers.

Transformative speakers usually embrace an improvisational ethic.<sup>7</sup> And whether during a negotiation, examination, or interview, the give and take of "yes, and" naturally creates a collaborative mindset. Even if you're giving a closing statement or a speech, allow each point to land before you move on. If you're working across from someone who is interrupting, arguing, or grandstanding in a negotiation or debate, lead by example: notice it, acknowledge the emotion behind it, and suggest that it would be a more productive conversation if each side has a chance to make their case and respond afterwards. Picture yourself laying down one building block at a time, waiting a beat to see what happens, and laying down the next.

And because improvisation requires listening – including to non-verbal "offers", you can also "yes, and" the energy in a room to great effect... it helps reset the audience at any time, and builds trust (especially if you're "yes, and"ing something others are feeling but nobody's saying anything about). There is a call and response that occurs in great jazz recordings and great extemporaneous speeches. It happens when the people in a room are listening to one another on a level that transcends words.

---

<sup>7</sup> It's worth remembering that the most famous section of MLK's "I Have A Dream" speech was improvised.

Another key benefit to an improvisational mindset during performance is that it encourages you to embrace the unexpected. Again, you've prepared, so mistakes can be gifts. Lawyers rarely allow themselves to fail, and so long as you're prepared on the content, the unexpected snafus – nimbly handled by someone who's not sweating the small stuff – can endear you to any audience.

In addition to improvisation, breath is a key way to overcome anxiety and get into a present, relaxed, active state of mind. A deep, low, slow breath calms the vagus nerve, which in turn helps regulate body functions like heart rate, blood pressure, and digestion. Yogis and Navy Seals alike have found this to be beneficial, and lawyers should add it to their toolbox as well.

There are two ways to breathe for our purposes: to calm/relax, or to put into a state of readiness/presence. Each has value in the right circumstance, but know the difference. A calming breath, in through the nose and out through the mouth and focused on dramatically slowing the exhale, can be useful if you have anxiety and need to relax your body and mind. Without forcing, allow your breath to lower your diaphragm, fill your lower back, and gently expand the whole ribcage. You can also try it with a simple, positive mantra thought or spoken to yourself on the exhale (e.g., "I am here right now" or "Everything I need I already have").

If a state of calm readiness is required in a stressful situation, then try box-breathing, as made famous by the Navy seals. Here's a good description (on the holding count after the inhale, it's best to maintain the feeling of continuous expansion in the throat and chest rather than clamp down at the top of the throat to hold the air in) <https://health.clevelandclinic.org/box-breathing-benefits/>

Finally, as you prepare to speak in the moment, do a quick inventory so that you know where you're at when you get up to speak. Think of your aim, then notice the space, feel what it's like to be in that space at that time, and nonjudgmentally tune into other people there... those that appear comfortable, and those that appear restless or uncomfortable. Then soften your focus (or close your eyes if you are able) and take some deep breaths while you scan your body and your emotional state. Breathe into any areas of discomfort or anxiety. Exhale slowly and pay attention to the pause between breaths. Notice that the inhale happens automatically. Notice any tension, acknowledge it, exhale, and notice the wonderful pause between breaths. If you bring all of your day's stresses and tension into the space, you are starting at a higher bar of emotional intensity. Take a moment to recenter. Think about your aim again, then make eye contact, breathe with the audience, and begin.

*This exquisite state of unconcerned immersion in one-self is not, unfortunately, of long duration. It is liable to be disturbed from inside. . . . The only successful way of rendering this disturbance inoperative is to keep on breathing, quietly and unconcernedly, to enter into friendly relations with whatever appears on the scene, to accustom oneself to it, to look at it equably and at last grow weary of looking.*

*– Zen in the Art of Archery (Herrigel)*

Questions: museoffire1@gmail.com