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PERSONAL AUTHENTICITY

Why should anyone attempt to persuade others to seek (personal) authenticity? One should seek authenticity because it is necessary in order to be credible. Why should anyone who attempts to persuade others seek credibility? Credibility is necessary in order to be effective. Why? Because without credibility, it doesn't matter what you say.

Authenticity is related more to the speaker than to what is spoken. Reflect for a moment on what it means to say a speaker is "authentic." Many synonyms come to mind, including forthrightness, candor, and honesty; others include genuineness or the quality of being "real." It is obvious that credibility culminates from multiple sources. I submit that credibility is mostly about clearly communicating an attitude of caring. Once again, why is this so important? Because if the speaker doesn't care, why should the listener?

Here I suggest the reader pause and turn to the attachment to this paper, which is an article from the Oregonian. It is short and won't take much time to read. Once you have read the article, ask yourself, "Is he speaking from the heart, is he authentic?" Once these threshold questions are answered, it is easy to understand why this father possesses credibility.

Speaking from the heart is easy to say, difficult to do . . . and even harder to do before strangers in public. Perhaps one reason this is so difficult is because, at some deep level, all of us are frightened of rejection. So much honesty demands too much vulnerability. Often the smarter

we are, the more apt we are to think rather than feel. When left to our instincts, we lawyers analyze, categorize, rationalize and intellectualize every minute aspect of a case. Yes, we need to do all of this, and do it well; but be aware this is the work of a legal technician. What is missing? It's that something extra, that potent "white-knuckled" passion that flows from "heart talk"!

So how do you argue a case, any case, with convincing authenticity? Stated differently, "Where are the roots to heart talk found?" For each of us there is one place, and only one place. It is unique to each of us, yet entirely the same for all of us. The headwaters of authenticity spring from deep within **you**, from the life **you have lived**.

Immerse yourself in the facts of your case. What aspects resonate with you? What element is compelling? Is it a sense of indignation generated by the liability, or the loss of something dear to your client, to which you can relate? Slowly reflect upon your emotions. Don't run from them - embrace them. Your clients are forced to live within this case and its attendant emotions every day. Ask yourself, "Which of my life experiences allows me to empathize with my client? Will a particular group of jurors have had a similar life experience and feel empathy for my client?" This is often expressed colloquially as "putting yourself in the shoes of another." This process is similar regardless from which side of the table you advocate. Visit and spend some quiet time with your clients. How have their lives changed? What is poignant? What is different? What have the changes meant to your clients? Talk to them about prior hopes and dreams. How has not only their outer world changed, but also their inner world?

Being authentic isn't about being maudlin, or appealing to sympathy. Good advocates realize that. Even when sympathy is operative, it "thins out" entirely too fast. If something about your case naturally appeals to the jurors' sympathies, don't explicitly argue it. You will only lose

ground by overtly appealing to their emotions. Jurors are properly offended when a lawyer panders by appealing directly to their sympathy.

Convert sympathy into material that has more impact. The obvious sympathetic aspects of the facts will speak for themselves. Acknowledge the presence of natural feelings of sympathy for your client, but then remind the jurors that no verdict is to be based upon sympathy. Explain that basing a verdict upon sympathy cheats not only the defendant, but also the plaintiff. Injured people don't want anyone's sympathy, and certainly no one's pity. They almost always come to court for one reason, and that is justice, which is also exactly what most defendants want. In the short term, it may seem you are giving up something of value. However, from the tactical perspective of a longer view, you are not really forfeiting anything. You are simply turning in silver for gold. You are morphing sympathy into credibility.

Whenever you are talking from the heart to a jury, you may be addressing the jurors in the third person, but emotionally and texturally you are really speaking to them from an "I-You" perspective, meaning the first person. Share the meaning of this particular experience with the jurors. The lawyer needs to walk a fine line when bringing something of his or her personal essence to the courtroom. It's not acting. It's close to the lawyer's personal sense of decency. It's the lawyer's humanity shining through. You needn't raise your voice. When spoken with a quiet resolve your "truth" will thunder.

The case theme often says as much about the lawyer as it does the case. From a universe of facts, many themes could have been selected, yet this particular lawyer has selected this particular theme. Maybe the case has been presented to a focus group with a jury consultant who has suggested the strongest theme. But whether or not is has, each lawyer must search for the

