

New South Wales Bar Association

'Presentation Power'

Opening Address and Closing Argument

Open Door Productions' 'Presentation Power' workshop series focuses on Opening Address and Closing Argument as key tools for persuading the trier of fact, including a focus on jury advocacy.

It focuses on how barristers, through building practical skills in the writing and delivery of these trial elements, can enhance their persuasive success.

The sessions are akin to an 'actors' workshop', and participants practise and analyse structures and delivery styles using case studies related to civil and criminal cases.

In this hands-on, small-group format, the aim is not to impose a 'one size fits all' model, but to allow a laboratory for experiment with each individual's approach and temperament in a safe collegial atmosphere where experience is pooled and shared.

The singular thing about this process is that the participant always makes some real discoveries about his/her current challenges on the one hand; and about his/her particular strengths and insights on the other.

- **Empowerment of individuals to develop their core presentational styles, through writing and delivery**
- **Accelerated diagnosis of individuals needs**
- **Intensive practice of micro-skills for each individual**
- **Two facilitators / performers, exhibiting stylistic diversity, and bringing directorial and scriptwriting experience to the refinement of content**

The Topics

Week 1:	Presentation Power
Week 2:	Story and Theme
Week 3:	Winning Arguments
Week 4:	Persuasion: What Makes Juries Listen

The Workshop Series

<u>Date:</u>	2008: October 5, 12, 19, 26
<u>Duration:</u>	Four workshops of 2.5 hours each. Sundays 10 am - 12.30 pm (9.45 am arrival for 10am)
<u>Cost:</u>	\$450 per participant (this includes GST). Morning tea provided.
<u>Format:</u>	Small-group intensive skills-building with two facilitators. Maximum of 12 participants.
<u>Venue:</u>	New South Wales Bar Association Common Room
<u>Notes:</u>	Literature will be included. Course material is suitable for both new and seasoned barristers. Participants should attend all workshops as skills are cumulative. The facilitators ask that participants allow a little extra time (say 30 minutes) in case the sessions extend beyond time.

Open Door Productions

Presenters **Nicholas Frost** and **Gabrielle Gazal** have extensive experience as theatre directors, corporate facilitators, presenters, and performers, which allows participants to experience a wide range of skills-building activities, and enjoy a high level of skills immersion, in a short time.

The male - female team has achieved far-reaching results in varying professions and teaching environments, helping participants with widely varied interests, personalities and learning needs.

The facilitators also bring experience as script writers and teachers of English in cross-cultural contexts. Their text *'Total Drama'* (450 pgs) is an in-depth analysis of interpersonal dynamics in presentational and performance contexts.

- Providers of **'Persuasion Power'** Series for NSW Bar Association CPD (2007).

Open Door Productions

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1. Presentation Power

Outcomes

- Exploring personal persuasive range
- Sources of personal presence, power, status, and conviction
- Overcoming emotional constraints
- Expanding vocal resources

Agenda

1. The Expressive Voice: Exploration of the voice as an expressive and persuasive tool, with focus on resonators and range.
2. Personal Power: Exploring personal presence, body language, space, sources of power and status.
Controlling energetic and emotional levels.
Enhancing motivation, conviction and command.
3. Rhythm and Phrasing: Delivering given narrative or descriptive passages for rhythmic emphasis, rise and fall, climax, underlining, repetition, cue, pause, silence and gesture.
Using the voice for colour, modulation and clarity.
4. Persuasive Speeches: Practising short persuasive speeches employing all relevant elements, with assessment according to checklists.
5. 'Snatch' Technique: Technique for absorbing text material and turning it into original persuasive statements for spontaneous delivery. Eye contact exercises included.

2. Story and Theme

Outcomes

- Writing and delivery of key sections of opening address
- Analysing narrative elements
- Telling convincing stories to elucidate case theory
- Using illustrative power to deliver theme
- Creating useable text and notes

Agenda

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| <u>1. Opening Summary:</u> | Summarizing facts, presenting themes, and demonstrating appropriate personae. |
| <u>2. Parties / Protagonists:</u> | Introducing essential characters and witnesses, with background and profiling. |
| <u>3. Scene and Detailing:</u> | Creating vivid mental pictures, creating labels, detailing conditions and objects, illustrating facts and figures. |
| <u>4. Define the Issue:</u> | Defining disputed material facts to lay the foundation for the essential argument. Using questions. |
| <u>5. How it happened:</u> | Creating compelling narrative to bring the event alive and persuade according to your version of the facts, with refutation of anticipated defences. |
| <u>6. Basis of Guilt / Liability and Refutation:</u> | Summarising the facts that will lead to an inevitable conclusion. Anticipating opposing arguments and incorporating weaknesses. |

Preparatory Reading

Participants' Manual: Two Case Studies (civil and criminal)
Participants' Manual: The Jury
Participants' Manual: Opening Address (with 'Tell the Story')

3. Winning Arguments

Outcomes

- Succinct structuring of essential messages
- Techniques for arguing case theory and proof
- Reducing complexity to essentials
- Combining intellectual (logos), emotional (pathos) and persona (ethos) content.

Agenda

1. Introduction and Issues: Re-focusing the listener on the essential event.
Summarising and characterizing the key issue.
Anticipating opposing characterizations of the issue.
Reframing and summarizing issues as questions.
2. What Really Happened and Proof: Analysing what the evidence means, and fitting disputed facts into a coherent picture through storytelling.
- Using evidentiary elements, including: testimony, witnesses, exhibits, common sense, human nature, probabilities, pleadings, and discovery.
- Using plain English to explain points of law and technical terms.
3. Basis of Guilt / Liability: Creating an emotional culmination of your pictorial narrative in which facts are summed up to support your argument under law.
4. Refutation: Anticipating counter-arguments, with refutation.
Forcing opponent to argue weaknesses.
5. Conclusion: Reminder of key theme, legal instructions, request to jury, emotional appeal, dramatic ending.

Preparatory Reading:

Participants' Manual: Appendix: Generic Speech Structure and Style
Participants' Manual: Structure of Closing Arguments

4. Persuasion: What Makes Juries Listen

Outcomes

- Development and delivery of closing argument based on a detailed case study
- Practice of persuasive techniques and strategies
- Selling to juries' needs and learning styles
- Developing persona

Agenda

1. Closing Argument: Writing and delivery of sections of closing argument using selected techniques from previous class, including: analogy: clarifying a legal or technical point; instructions to the jury; using striking rhetorical language; winning arguments, visual aids.
2. Essential Messages: Structuring and summarising in a limited time frame; extracting and delivering the essential message from a given passage, in terms of argument, key words, support and call to action. Delivery in a limited timeframe. Peer assessment.
Catering messages to suit intellectual (logos) emotional (pathos) and persona (ethos).
3. Selling to Audience Needs: Using a series of persuasive personae (formal, informal, emotional, intellectual, confronting, confiding etc), with your own short speech, convince an audience that possesses particular 'constraints'. The listeners respond to the techniques, and the presenters adapt to suit the listeners' multiple needs.

Preparatory Reading

- Participants Manual: Two Case Studies (civil and criminal)
- Participants Manual: What the Jury Needs
- Participants Manual: Strategy in Closing Arguments
- Participants Manual: Some Winning Arguments