

**4** **ALFA International**

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IT'S HOW YOU TELL THE TALE

*JULY 15, 2020*

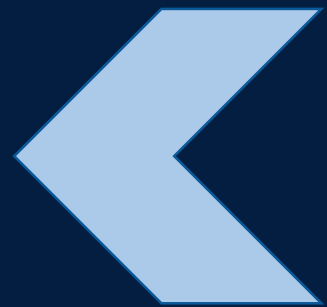
# PRESENTERS



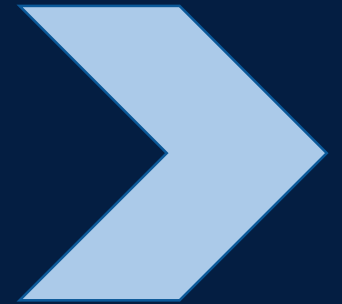
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# STORY TELLING FOR THE MODERN LAWYER



# STORY TELLING

- Once you develop the facts you still have to tell the story
- Legal story telling differs from other types in many ways



# STORY TELLING

- You never get a second chance to make a first impression
- When you get the chance to address a decision maker make your first comments count
- Telling a story is how humans have communicated forever



# STORY TELLING

- Consider your theme
- Your client needs to be the guy in the white hat (unless he is not)
  - Injustice
- If you consider personalizing the story



# STORY TELLING

- Personalize your client
- Careful of how you depersonalize the Plaintiff
  - Exaggeration and hyperbole
- Whatever you do don't tell an untruth



# STORY TELLING

- Use analogies where possible
- Paint a picture for the audience
- Address each development in your case like the scenes of a plot





# STORY TELLING

- It need not always be a chronology
- Determine how the story flows best for your client before deciding to start in beginning, middle or end
- Constantly return to that theme



# STORY TELLING



- The beginning of your story should be the most memorable thing to the listener
- If your story rests on the facts, point to the evidence of those indisputable facts
- Bring up negative points just in case

# STORY TELLING

- Getting through the middle of the story
- Avoiding inattention
- Keeping it relevant to the audience



# STORY TELLING

- If witnesses are part of your story, “listen” to what all witnesses say
- Exploit opinions where possible
- Quit while you’re ahead



# STORY TELLING

- Practice
- Be sure to bring the theme back in the conclusion
- Modify your conclusion based on issues that may have arrived during the telling of the story





TELL THE TALE IN WRITING

# WHY DO WE TELL STORIES?

- His story
- Her story
- My story
- Your story

# MY STORY – WHAT I LEARNED IN SCHOOL

- Diagrammed sentences, wrote research papers, and debated
- Went to law school; read and digested turgid prose; studied arcane logic and analysis
- Delighted in intellectual game playing



# METADISCOURSE

- COMES NOW the Third-Party Defendant American Builders Corporation, Inc. (“ABC”), by and through its counsel of record, the law firm of Imjusta, Singer, Inarock & Rolband, and hereby submits its brief in support of its motion to dismiss, which has been on this date filed contemporaneously herewith

# WHAT I HAVE LEARNED SINCE LAW SCHOOL

- Statutes can be written clearly and simply. So can anything else. (Ralph Thomas)

Montana Code § 1-3-228. "Superfluity does not vitiate."

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## POP UP QUESTION

- In an appellate brief, the story is:
  - A. What the trial court heard and decided
  - B. Presented in the statement of facts
  - C. How the pending case compares with cases the parties cite
  - D. What will happen after the appeal is decided
  - E. Any or all of the above

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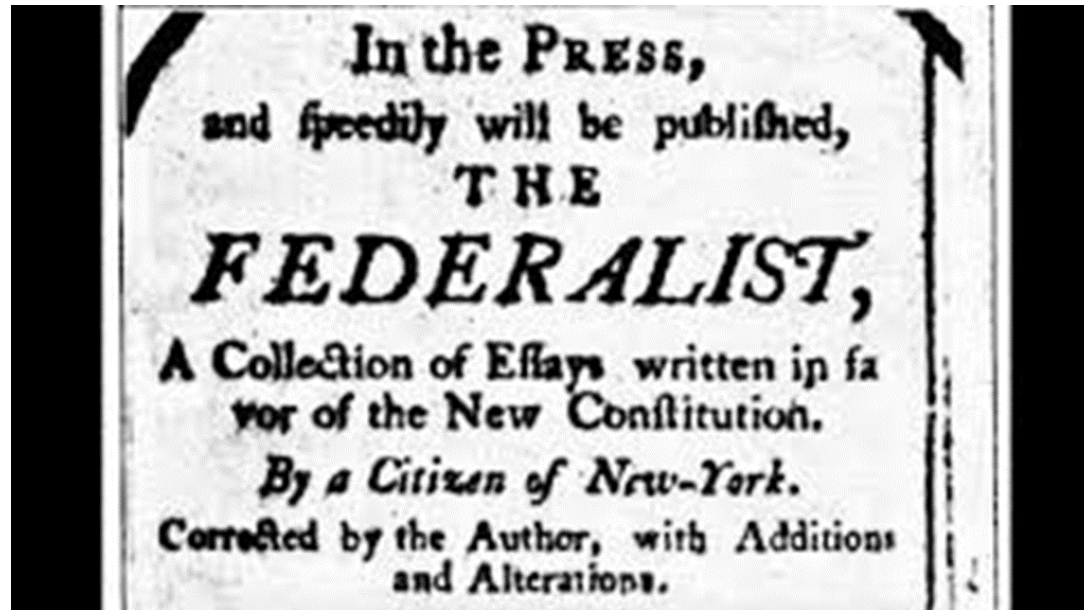
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- Any lesson can be wrapped in a story. (James McElhaney)
- In court, the resolution of the story is the decision. (Ted Prosisie)



## POP UP QUESTION

- Every story should have:
  - A. A great opening line
  - B. Colorful descriptions of people and places
  - C. Theme, character, conflict, crisis, and resolution
  - D. Correct grammar and punctuation
  - E. Lots of pictures and white space

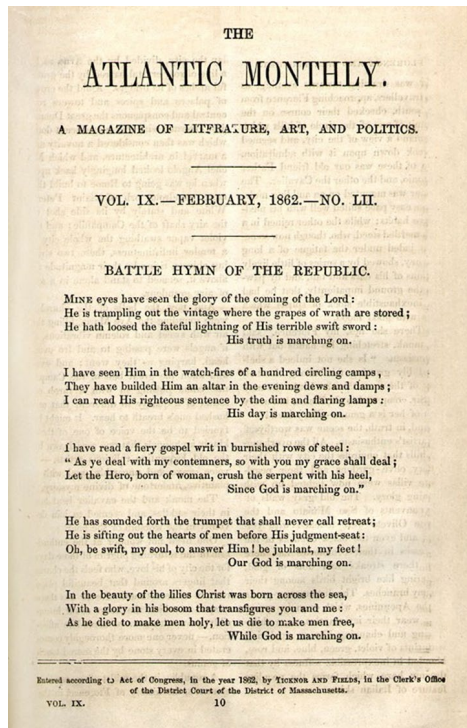
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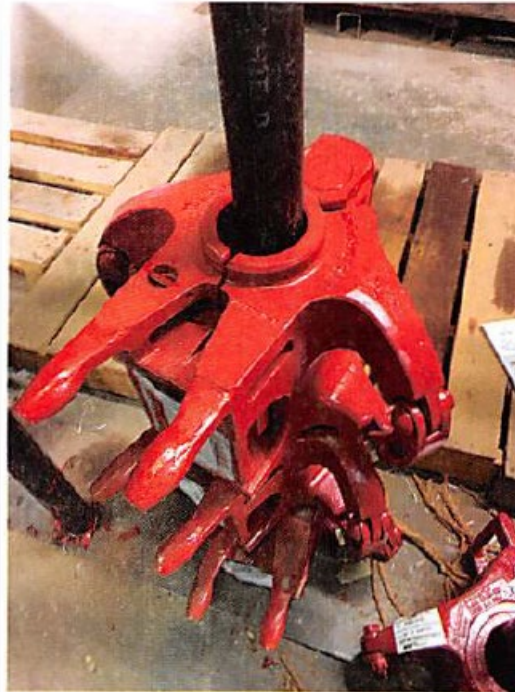


9. In addition to the facts disclosed to them by their mother, there is a close physical resemblance between the Deceased and the Dyers. Below are two pictures, the one on the left is a picture of the Deceased in his early twenties. The one on the right is a picture of Bryan Dyer at around the same age.



**COUNT 1: DECLARATION OF PARENT/CHILD RELATIONSHIP**

8. Keith was tasked with operating the “tubing elevator” on the rig, which lifts the drilling pipes, or “tubes,” which are used as part of mineral extraction operations. Below is a picture of the type of tubing elevator that Keith was tasked with operating (several are stacked on top of one another in the picture):



## SETTING THE RECORD STRAIGHT

Plaintiffs accuse Westfeeds of exaggeration and of omitting critical facts.

The exhibits summarized in the following timeline belie that.

Date	Event	Citation
1/3/2018	The day they fed Rumensin, Plaintiffs tell Westfeeds the calves won't eat it and ask to return R1200 and get Amprovine	Doc. 29-9, p. 2-3
1/4/2018	"The calves were goddamned sick." Plaintiffs meet at 9:00 am	Bob's Depo., Doc. 38-2, 67:4-8, 68:9-12
	Hughes visits, sees partially burned bag, and collects feed sample. Q: "So did she show you that bag?" A: "The bag that she fed, she did not show me. <i>We walked over to the burn barrel</i> , which is right beside where they – from their grinder-mixer. And I looked in the burn barrel, and <i>I saw a bag that she described, but it was 75 to 90 percent burned up</i> . And Pauls' bags were in there; same thing, mostly burned up." Q: "Did you walk there and look at the burner?"	

THANK YOU! IF YOU HAVE ANY QUESTIONS,  
PLEASE CONTACT ONE OF THE PRESENTERS



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[tdoherty@alfainternational.com](mailto:tdoherty@alfainternational.com)
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