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The Power of Speaking from
the Heart

By Norman J. Rodich

The Power of Speaking from the Heart

By Norman J. Rodich



Norman J. Rodich is a partner with the law firm of Palmieri Tyler in Irvine, where he has focused his practice on business and real estate litigation since 1986. He is an advisor to the Executive Committee of the Litigation Section of the California Lawyers Association and Chair of the Litigation Section's Programs Committee.

Looking for a way to advocate for your clients more powerfully and effectively? Try speaking from the heart.

Sadly, I recently lost my brother-in-law, Van Baker, to pancreatic cancer. He was a special education teacher in a small town in Imperial County.

Van's colleagues and friends organized a celebration of his life at a local community center that was filled to capacity. At least a dozen people got up and spoke about how Van touched their lives, and to pay their respects to Teresa, his wife of 41 years.

Van's daughter Jordan remembered how her father taught her that no one is more important than anyone else, and to always treat everyone with dignity and respect.

Van's colleague and best friend, Mr. Jose, recalled how Van planted grass seed in the dry schoolyard and watered it every morning before class so that his "kids" would have a green place to play and learn outside.

Then something remarkable happened.

Two of Van's special education students came forward to talk about what "Mr. Baker" meant to them.

The first, a young man, spoke about how much he would miss Mr. Baker, and how he couldn't wait to see him again in heaven.

The second, a young woman, read haltingly from a piece of lined paper that shook in her hands. She talked about how she had struggled to find the words to express what Mr. Baker meant to her.

She said she would never have been able to get her driver's license or her job at a sandwich shop without him.

Then she burst into tears.

As a trial lawyer, I listen to people who speak for a living on a daily basis. I have never heard anyone speak more powerfully than the people who spoke about Van Baker at the celebration of his life.

They spoke from the heart about a person who touched their hearts.

Psychologist and bestselling author Rick Hanson notes that "speaking from an open heart can seem so vulnerable yet be the strongest

move of all. Naming the truth — in particular, the facts of one's experience, which no one can disprove — with simplicity and sincerity, and without contentiousness or blame, has great moral force."

As lawyers advocating for our clients, we do not speak from personal experience. We speak for our clients about *their* personal experience.

To do that effectively, we need to study and understand our client's case to the point that we know not just what our client did or did not do but *why*. We need to uncover and understand the incontrovertible facts of *our client's* experience that humanize our client and our client's conduct — and communicate them simply and sincerely.

One of the great trial lawyers of our time, James Brosnahan, teaches a popular course on the art of persuasion at Berkeley Law. He says the ability to speak from the heart does not come naturally for many advocates. It is a skill that must be developed and practiced. "Speaking from the heart requires four things, at least," he says, "the willingness to use emotion, extensive debriefing of the client for material, the application of empathy (understanding other people's problems), and the training of the voice to develop heart-felt sincerity."

Speaking from the heart does not come naturally because we do not like the feeling of vulnerability that comes with it. We like to keep our emotional distance. That is why the ability to speak from the heart must begin with a conscious decision or *willingness* to speak from the heart.

Speaking from the heart also takes hard work. We have to achieve an in-depth understanding of the problems our clients faced that led them to act in the way they did so that we can develop empathy for them and, with prac-

tice and training, communicate that empathy in a heart-felt way.

Uncovering the humanizing and empathy-building elements of your client's case that you can express with genuine conviction is like panning for gold. It will take time and perseverance, but don't give up. Continue to rework, reanalyze, and rethink your client's case until you find them. When you do, you will be able to speak from the heart on your client's behalf and present your client's case powerfully and effectively.

You will know that you have done your job as your client's lawyer and advocate — and your client will too.

Author's Note: This article is dedicated to the memory of my brother-in-law, Van Baker, with special thanks to James J. Brosnahan, whose contribution to the article was invaluable.

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