

Voice and delivery, Part 2

By: F. Dennis Saylor IV and Daniel I. Small | September 1, 2016



In our last column (Voice and delivery, Part 1), we talked about the importance of delivering your presentation with confidence and conviction, and the need to develop an effective courtroom voice.

A truly persuasive delivery also requires careful attention to the cadence of your speech, the modulation of your voice, and effective use of brief moments of silence.

1. Cadence

Pay attention to the cadence of your speech — the rhythm, the pace and the pauses between words, phrases, sentences and paragraphs — to make your delivery as interesting and compelling as possible. In particular:

- Don't deliver everything at exactly the same speed.
- Don't speak too quickly; the jury won't follow you, and the testimony won't sink in.
- Don't speak too slowly. The jury will become impatient or bored.
- Pause from time to time, particularly when a point needs to be emphasized.

Remember that lawyers who are nervous often speed through their presentations. You may think that you've made a great point, but if it goes by too quickly, no one may get it (or remember it) but you.

2. Modulation

Pay attention to the modulation of your voice — how you stress certain words and the volume and pitch of your words. Even subtle variations can add great interest or convey powerful meaning. It doesn't have to be loud; a whisper can pack more punch than a shout.

From "The Hound of the Baskervilles," by Arthur Conan Doyle (1902):

"Footprints?" [Sherlock Holmes is questioning Dr. Mortimer about evidence found at the scene of the victim's death.]

"Footprints."

"A man's or a woman's?"

Dr. Mortimer looked strangely at us for an instant, and his voice sank almost to a whisper as he answered: "Mr. Holmes, they were the footprints of a gigantic hound!"

3. Silence

One of the most effective forms of communication is silence — the "white space" around your words. Use fewer words, and allow more space around them. Let your carefully chosen words sink in before you go on to your next point. Don't rush headlong from one thing to another. In particular, there is no better way to emphasize a witness's answer than to let it hang in the air for a few moments.

Suppose, for example, you elicit a very helpful answer on cross-examination:

"Dr. Jones, you didn't check the test results before you administered the medication, did you?"

"No, I didn't. And that was a serious mistake."

If you get an answer like that, wait a moment. Pause before you go on to your next question. Let it sink in.

Don't suck all the drama out of your case by going too fast. Suppose you were representing the family of a child killed in an automobile accident, and you asked the following question and received the following answer:

"What did the woman from the hospital tell you?"

"She told me that my little girl was dead."

Whatever is next on your outline, for heaven's sake, pause. Nothing you say could speak as powerfully as your silence.

Of course, to be persuasive, all of this has to be done credibly and sincerely. It is important that no one perceive you to be a fake. And you probably aren't a trained actor or actress and cannot transform yourself into someone you are not. Nonetheless, just as you can work to develop the quality of *what* you say, so too you can develop the quality of *how* you say it.

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