

Friday, December 15, 2006

### **Why does psychodrama work?**

Here is an article about the powerful effect psychodrama can have on lawyers and on their ability to persuade; thanks to TalkLeft for covering this article. This article covers a training session by Don Clarkson, who is my favorite psychodramatist and an amazing psychological counselor in Washington, D.C., and lawyer Jude Basile, whom I know from the Trial Lawyers College. I have been blessed with Don Clarkson's leadership and participation at several case workshops with area attendees of Trial Lawyers College programs. Don is a Radar O'Reilly who gets right to the heart of the matter in helping lawyers prepare for trial. When I seek Don's assistance with a trial, he usually asks early on how I am feeling about the case, my client, my opponent, and the list goes on. As he turns the focus onto me rather than keeping the focus only on the client, I sometimes experience deep emotions, feelings and memories that I did not realize were so strongly present but kept under wraps for so long. The journey can be painful at times. As non-trusting as I am of so many people, I always have put my faith in Don, and he has never let me down. As the journey progresses, Don assures that there is closure by the end. That does not mean automatically that I am not still a pile of emotions at the end of the session, but that I leave the session with greater strength. My hope is that every juror I have will come as close as possible to opening up fully to themselves during the trial and to each other in the jury deliberation room. If I have fully opened myself up about my client and the case before ever meeting the jurors, perhaps the jurors will recognize that, and will be willing to do the same. As much as I wondered whether the Trial Lawyers College was too long (a full month when I went) when we one day ended up cross-examining nursery rhyme characters due to no fact pattern being available (apparently the situation is more organized there now), my eyes were opened up more there than ever before about the deep pain, heartache, and struggles that so many people experience, no matter how well things may seem on the outside, from children molested by family members, to children witnessing a parent cheating before their very eyes, to people experiencing betrayal and the lack of love, to people suffering through their loved ones' pain and disease and death, to people struggling with relationships feeling trapped in the relationship but fearful of changing course or leaving the relationship entirely, and the list goes on. The first week at the Trial Lawyers College included intense psychodrama. I was surprised at what people were ready to reveal to others who had started off as utter and total strangers. Then, I realized that the only thing anybody had to lose in revealing their true selves was the possibility of a genteel and superficial several weeks together. As we revealed ourselves more to each other, we learned to trust one another more. A year later, I asked a fellow TLC attendee what motivated him to get in front of everyone to be a psychodrama protagonist revealing just about the most painful childhood that anyone could imagine. He responded that he was so f'd up that he would have tried anything to fix it, and that the psychodrama helped tremendously, even after years of psychotherapy. Another psychodrama protagonist from the previous year said the psychodrama experience changed her life. Three years later, I was the protagonist for a psychodrama session led by Don Clarkson for a then-upcoming trial for a young man whose life was cut too short while a passenger in a car on the way to his construction job. The experience was very powerful, eye-opening, and gut-wrenching. It was a very effective way for me to better understand my client, his witnesses, and his mother, who was but a teenager when her son was born. It helped me better stand my ground against my two opposing lawyers and the pushing-at-the-edge shenanigans that one of them pulled. As the saying goes, preparing a case for trial makes it more likely to settle, and preparing a case to settle makes it more likely to go to trial. This case ultimately settled after a substantial investment of time by my law firm, and emotions and personal growth. I learned that while I most enjoy defending criminal defendants, some people are stepped on so unjustly and some causes are so important, that I will detour to civil court from time to time. Each person, juror, judge, prosecutor, cop, witness, and everyone has a dormant volcano that might erupt uncontrollably at any time, that might just spew white heat from time to time, that might usually smile and gurgle gentle music, or that might be invisible until one least expects it. We cannot persuade people without getting in touch with their true selves, one-by-one with each person we meet, not in a fashion that scares them off, but with empathy that is willing to listen and talk if the other person is ready to do so and wishes to do so. Martin Buber said that "all real living is meeting." To stay on the superficial level with others is to not be experiencing real living. The article that prompted me to write this blog entry addresses Jude Basile's approach to connecting with jurors, starting with having imaginary conversations with them each morning before trial starts. This takes the focus off of the lawyer and the lawyer's ego and even the lawyer's hat, and helps the lawyer better face, interact with, and engage each juror, no matter how far or close each one may be to agreeing with the lawyer's version of the case and the story(ies) surrounding it. The key is to persuade jurors by relating to them, connecting with them, understanding them, opening up to them, caring about them, being fully real with them, and never by manipulating them, which never works. Jon Katz.

Posted by Jon Katz in Persuasion at 02:00