

LAWYERS JOURNAL

Program to focus preparing witnesses for depositions, trials and hearings

By Brian Knavish

Many jurors make up their minds about whether they believe the testimony of a witness before the witness utters even a single word, says jury psychologist Ann Greeley.

Chew on that for a bit. That assertion has profound implications for attorneys, and those who are able to properly prepare witnesses so that their testimonies resonate can have a monumental impact on trials, hearings, depositions and even corporate meetings.

The verbal and nonverbal techniques that help witnesses shine will be the focus of the ACBA's "Preparing Witnesses for Depositions, Trials and Hearings," a 1.5 substantive credit CLE slated for Thursday, Oct. 26, beginning at 3:30 p.m. in the ACBA Conference Center. Immediately following the seminar, which is sponsored by Network Deposition Services, participants are invited to a happy hour – featuring a bourbon and cigar tasting – at the Allegheny HYP Club.

The CLE will include presentations from a jury psychologist in Greeley, an experienced trial attorney in Jack Hall and trial-presentation professionals from Network Deposition Services.

"The biggest mistake I see attorneys make is they focus too much on the content, the substantive stuff, and they forget to prepare their witnesses," said Greeley, a jury consultant with DecisionQuest. "They often overestimate what the witnesses know about the whole process. The truth is, they know very little.

"We'll cover preparing witnesses for the process, and we'll cover the big role verbal and non-verbal communication – body language – have. I work with attorneys and their witnesses and tell them things like, 'You need to cut to the chase. You need to stop saying X because X is not working for you,' or 'You need to straighten up. You aren't coming across as trustworthy.'"

Jack Hall, a trial attorney with 40 years of experience, will discuss the same concepts from a lawyer's point of view.

"I'm going to discuss witness presentation in the broadest sense, not limiting it just to trials," said Hall, who is of counsel with Cipriani & Werner and who also runs his own ADR and consulting firm. "These techniques can be used in municipal hearings, regulatory board hearings, school board meetings, testimonies in front of congressional agencies –



Ann Greeley



Jack Hall

you name it. I'm going to give the perspective of the witness and try to get the audience to put themselves in the witnesses' shoes."

Finally, representatives from Network Deposition Services will discuss ways technology can be used to influence a case.

"A professionally produced presentation can impact the end result of a proceeding," said Terri Urbash of Network Deposition Services.

Once the seminar is complete, the fun begins as participants are invited to walk across William Penn Place to the Allegheny HYP for a happy hour, which will include an outdoor cigar and bourbon tasting on the club's patio.

"We bring in an array of different types of cigars and a cigar connoisseur, who will talk about pairing different types of cigars with different types of bourbons, based on someone's specifications," said Urbash. "Do they like something light, or do they like something medium? And how you can blend the different flavors?"

"And for those who aren't into cigars, we'll still have a regular open bar happy hour and hors d'oeuvres."

Cost is \$52 for ACBA members and \$62 for all others. For more information or to register, visit www.ACBA.org or call 412-402-6614. ■