

# STORYTELLING SKILLS

THE ADVANTAGES OF STORYTELLING IN AND OUT OF TRIAL

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# **STORYTELLING**

## I. Definition and Purpose

### A. What is a story?

According to Webster:

- 1) an account of incidents, of events; 2) a statement regarding the facts pertinent to a situation in question; 3) a fictional narrative shorter than a novel;
- 4) the intrigue or plot of a narrative or dramatic work.

Most simply, the story is a recounting of a sequence of events. It does not necessarily contain the reason why the events occurred. Once a reason for the event is introduced, we are dealing with a plot. A plot is the plan of a story. Plans are made and plots are laid when someone has a reason to cause the events to occur in a particular sequence. A story does not have to have a plot. A plot, however, always includes a story.

### B. What is the purpose of a story?

#### 1. Practical.

##### a. Information and facts.

The information of a story enables the listener to understand certain events or situations, real or imaginary.

##### b. To teach a lesson or moral.

Talk of stories may remind you of fairy tales. Bruno Nettleheim, in his brilliant work The Uses of Enchantment, shows us that these

children's stories have a much larger purpose. Essentially, they let little people know they will triumph over big people who appear to control their world. They are also a road map for aspects of the various passages that a youngster must make in life on the road to maturity.

The Freudian imagery of Jack and the Bean Stalk assures little men that they will eventually vanquish the giant man that controls their world. Beauty and the Beast is really a tale for young women coming to terms with sexuality. Little people have to know that they will have a chance and that their deepest fears will be alleviated.

## 2. Aesthetic.

### a. Feeling.

A good story evokes feeling. The feelings of the teller are engaged as he tries to accurately depict the feelings of the characters. The teller's feelings are mingled with the feelings of the characters in an attempt to evoke an empathetic reaction from the listener(s). Empathy is the imaginative projection of a subjective state into an object (for our use, a person) so that the object appears infused with it. Empathy is the capacity for participation in another's feelings.

### b. Memories.

Good stories create a memory. The ultimate objective of a story is to craft the most vivid and permanent of images to engage the entire being of the listener. Vivid stories become vivid memories and vivid

memories are told and retold.

For example, take the stories of Homer. He was a storyteller who also recorded oral history. The tales he told were so rich in memories that his embellishments increased the vividness. He was so effective that when someone finally got around to writing down the tales, the images were so uniquely Homer's that the scribe didn't even quibble about authorship.

True aesthetic decisions always end up being the most practical decisions. Think about how long that war before the gates of Troy went on? How long did Odysseus wander around, trying to get home? Why? Homer didn't want to run out of episodes any too soon. His stories usually got him supper and a safe place to sleep. You'll notice too that all the cruel, greedy and abusive tyrants in both the Iliad and the Odyssey invoke the wrath of the gods and meet with horrible fate. Those who were kind to the wandering hero were rewarded and prospered. Homer as a blind and vulnerable traveler was using the power of his words to warn the present household that if they didn't reward him for his tales, they were analogous to the evil kings and tyrants in the story.

## II. The Unbreakable Bond.

### A. Emotion.

A good story engages all the faculties of the listener: senses, emotions, intellect. Note that intellect is listed last, because you may never get that far. In storytelling, emotion is king! Emotion creates the unbreakable bond with

the listeners. There is no hope of appealing to a listener's intellect if you don't first appease the emotions. Characters create or experience emotions, which arise out of actions that are part of the plot that we the listeners identify with. This identification is established only through emotion.

Logic does not have a chance of winning against emotion. It is the most potent weapon man can yield against man. Reason may triumph in the end, but it is emotion that will move the idea, argument, product forward. Emotions link humankind together. Terrorists kidnap people off the street or randomly bomb a bus or school - they are not apprehended. There is an emotional link that people feel around the world when such terror and threat pervades our lives. When a natural disaster wipes out a village in a third world country, we are all moved by the randomness of the catastrophe and the pain of the people affected.

#### B. Never Fail Points of Identification.

The more powerful the emotion, the stronger the identification within the listener. Fear is a very powerful emotion: we all fear something. We all fear the unknown and we all have anxiety coming from the fear of not knowing what is going to happen to us.

“When a man, woman, or child is threatened by fire, flood, earthquake, wild animals, loss, embarrassment, fear; when one is shy, orphaned, ill, abused, humiliated; when charity, humility, kindness, loyalty, courage are displayed - the audience will not fail to identify.” (Lajos Egri in The Art of Dramatic Writing.)

### III. The Essential Elements of a Story

#### A. The Disclaimer: Deviation from Classical Considerations.

There is not much written about the technique of oral storytelling. Books about and by storytellers abound but they are vague and ethereal works that create only a general impression regarding being a storyteller. Many storytellers have achieved their fame by telling the same story or repertoire of stories over and over. Different storytellers will tell the same story and the nuances of style are applauded by the audience. Very few talk about the phenomena of “Powerful Telling” and what the dynamics of it are. Everyone recognizes a good storyteller when they hear one and everyone is moved by powerful telling but there is very little written about the methodology of becoming a powerful storyteller. It seems that the lesson/message is: “to be a good storyteller you have to tell stories.” In some ways it is fitting that storytellers are in keeping with the oral tradition of stories by not writing and reducing that age old tradition to “how to” rules and procedures.

#### B. Plot.

Plot is the plan for setting out the sequence of events. It is the action of the story and is the most essential element of a story. The plot establishes the background, the atmosphere and the circumstances for the events, as well as the time and place requirements of the story. Plot represents the world we are to enter if we are to understand the story and the people in it. There are essentially three kinds of plots. Some stories combine these

elements, but all stories contain at least one.

1. Cause and Effect.

This is the dominant organizational principle of playwriting. In the opening scene, all the necessary conditions and circumstances are set to the desires of the characters - the motives from which later events will develop. Each scene grows logically out of the one that preceded it.

The plot shows the cause and effect relationship between the events. The legal theory of self defense and the theme that “this person acted to save his own life” are really a cause and effect plot that we need to unfold before the jury.

2. Character.

In a plot that is driven by character the principle source of unity is the nature of one character. The incidents in the story are held together because they center on one person and the audience gets to see how the character responds to a series of events. We are interested in seeing what that person does in response to those events.

Too often the prosecutor in a criminal case wants to focus the jury on the lack of character the defendant displayed by committing a certain act or action. The defense must

combine character and events to show that the defendant acted at that particular moment because he was caught up in a chain of events that led to the incident and that under other circumstances his character would be revealed differently. Stories told at trial from the defense point of view that try to focus on character as the unifying element require thoughtful and careful construction. Legally put, they have the potential of “opening the door” to other versions of the same story that could be damaging to the client.

#### C. Theme or Idea.

In this kind of plot structure the events are linked together because each of them illustrates one aspect of a larger theme. Regrettably the events in too many criminal cases grow out of the cause and effect relationship between poverty, addiction, physical abuse and substance abuse and violence. Each of these is a theme that can organize a compelling story that must be told on the client’s behalf.

#### D. Conflict and Crisis.

Conflict in a story is what prevents it from becoming static. Conflict is foreshadowed in the beginning of the story and the audience feels confident when what is hinted at comes to pass. The conflict can be between the heroes and clearly defended malevolent enemies. It can be within the hero - a conflict of

desires pulling him in different directions. The conflict can be psychological torment. Every story must have conflict or there is no need to preserve the story.

The starting point of a story is referred to as “the point of attack.” Every story and play begins with an incident in the hero’s life. For the purposes of drama, suspense and excitement, the inciting incident needs to occur close to the point of attack or the beginning of the story. Poor stories and plays place the point of attack so far back that the first scenes are nothing but exposition, filling the audience in on past events.

The crisis of a story is the turning point. After the moment of crisis the world is changed for the hero - the world can never be the same.

From the first incident the story proceeds to the major crisis or the “turning point” of the story. The crisis has much more impact on the listener if there is a sense of the inevitable about it. The hero is driven or compelled to the crisis point and makes his decision to act in a certain way, because from his point of view he had no other alternative. The hero gains more stature in stories where the turning point is inevitable.

While there needs to be one major crisis constituting the turning point, the story is actually a series of small crises amid climaxes that build up to the major turning point.

#### E. Resolution.

The resolution is literally a return to order. The hero has changed the world or been changed by it. All the people in it have taken a new course as a result. The resolution always appears near the end of the drama. If the story peaks too early and too much time is spent in the resolution, the listener gets bored.

### 1V. The Stories Jurors Make Up.

#### A. Four Versions of Reality.

Since primitive times the most basic use of stories is to recreate an event for someone who was not present. What becomes apparent almost immediately is that once an actual event has occurred when the details of that event are related to someone else, the truth of that event is gone forever. The first version of the event is the reality of the event itself. The person relating the event may, for whatever reason, embellish some part of it or focus on a particular aspect of it. At that moment, the original event is gone forever. If more than one person is involved, the chances of recapturing the original event are exponentially more difficult. Two people watching the same event will report different versions most of the time. As they relate their versions of what happened, they begin to own their perceptions strongly and very soon they begin to believe in their versions of the facts about the truth of the incident. If the two versions become contested enough, the issue might be presented to a “neutral” party. The “objective” listener will more often than not have an impression of such an event and introduce, because of his experience, training or beliefs, yet another version of the

incident.

In a trial the four versions of reality are:

1. The litigation producing incident - what happened?
2. The State's version of what happened;
3. The Defendant's version of what happened;
4. The Jurors' version of similar events.

Anyone who speaks to jurors without taking into account the experience and expectations of jurors is ignoring the greatest obstacle to changing people's minds.

## B. Scripts.

The version of reality that we create for ourselves is referred to as a script. Scripts are more than a predisposition and more than a "mind set." Scripts are perceptual maps that allow us to navigate in the external world of social interactions and emotions. Scripts are our way of organizing experiences. They allow us to receive, process, store, and recall information. Scripts are an essential part of our cognitive development and we all use them to generalize, to learn from past experiences and to prepare ourselves for new experiences/information. Without the ability to use scripts to organize the information and experiences we've had, we would have to relearn everything all over each time. We use scripts in a very meaningful way to organize the external world that we encounter. Scripts become detrimental only when the individual pays more attention to the internal script and does not allow the new information or experience occurring in reality to affect it.

When an individual is so bent on following the perceptual map that they do not allow themselves to be affected by the reality of the experiences going on around them they are headed for trouble. If that person is our juror, that internal script/map of reality can be an enormous impediment to persuasion.

When the internal script clashes with reality, a gap occurs. This gap is called cognitive dissonance. As a result of this clash and this gap, we cannot make sense out of our external experiences. If history has taught us anything about human beings, it is that we have a drive to make sense - to explain the external world to ourselves that rivals the other basic drives that ensure survival of the species. We need to make sense out of the world as much as we feed ourselves and procreate. To make sense out of what is going on in the world, we begin scripting the experiences we've had to organize our thinking and prepare for new experiences. People will latch on to their own script and believe it as truth until they receive new information to alter the old internalized script. Stories are the most powerful way to provide information that allows a person to organize a new script.

The need to story events is most noticeable in children. The external world is attractive and frightening to them at the same time. The excitement of new experiences is often dampened by the anxiety that occurs when we ask them to redo that comfortable, predictable internal script. Storytelling plays an enormous part in child rearing and parenting. The children's fairy tales we mentioned earlier all deal with passages of maturity and independence that produce anxiety. We carry the need to

script things as a means of overcoming anxiety with us throughout our lives.

What the human race needs to survive in a biological sense is all genetically encoded. What the human race needs to understand behavior, to internalize the existing social order and to organize our thinking so we can have new experiences is the art of the story. The history of the world is not embedded in our genes: we have to learn about it through the stories that are told to us. The most powerful teachers in the history of the world were also powerful storytellers. Christ, Mohammed, Buddha affected first the lives of their followers and eventually the whole world through the power of the stories they organized to explain life, conduct, morality and virtue.

When it comes to persuasion at trial what we must know is that people bring with them scripts for all kinds of experiences. They have scripts for how crime occurs and who commits it. They have scripts about how the court system works and why. They have scripts about judges and lawyers and they have scripts for how they believe they should behave as jurors. They will cling to their internal scripts tenaciously unless we can exploit the gap between that internal script and what is happening in reality at this moment. If we don't supply the new useable information they will make it up from the material of the script they brought with them and believe it as truth.

When we use the structure of a story to organize the events that brought us to trial we are satisfying a very basic human need to make sense out of

what is going on for the jurors. The story structure we use allows us to add information to their script so that they can see the new events in a non-threatening way. An obvious example might be the script that most people fashion regarding the conduct of police officers. We are taught to go to a police officer when we are in danger and need help. The friendly, helpful, kind officer who lives in our script of what a policeman should be is very strong. When we ask prospective jurors: “Would you believe the testimony of a police officer before you believe the testimony of a lay person?” we are asking them about that internal script they have for policemen. The same question will get very different responses in the center of a large urban area than it will in a rural area because of the scripts people have. If that juror responds with a “yes,” you know that you have a prepared script to overcome. The decision to strike or keep that juror is rooted in your assessment of whether that juror’s script can be overcome. If you decide for some reason that this juror should stay on the panel (perhaps they have other scripts going about other issues that are good for your theory of defense), you need to be aware of the cognitive dissonance that is going to occur when you reveal the abusive and coercive tactics of the officer that you are going to expose in your case. The anxiety that will occur for this person is great and you have to provide him information in a way that allows him to rewrite that script without feeling that he has given up or lost a fundamental belief he brought with him. Persuasion is about adding information, not taking away a belief. The story that we tell about that policeman has to unfold in a way that allows the juror to follow us. If we try to change the whole perceptual map, undo the internal script entirely, we are in for a battle

that we will probably lose. However, if we accept the burden of providing information that can add to that person's perception and present that information in a story context that makes sense, we have a chance of allowing this juror to think; "This officer was a bad apple and we should not believe what he says but I know there are plenty of other good cops out there." This example is simple but the principle behind it applies in many other persuasion opportunities at trial.