



Why Storytelling Is Essential for Trial Lawyers



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Jan 26, 2017 | Posted by [Jeremy W. Richter](#) | [Civil Litigation](#)

Throughout most of human existence, storytellers were the gatekeepers of history. But as the written word has evolved, the art of oral story has become less practiced and less important but, when done well, no less effective.

For years [Steve Heninger](#) has been widely recognized as one of the preeminent trial lawyers in Alabama. Part of what helps him stand out is his method of weaving storytelling into the fabric of his cases. I have both heard Mr. Heninger speak on the topic of storytelling, and read his article, [“License to Tell,” in the September 2016 edition of *The Alabama Lawyer*](#).

So when I decided to launch this new series of written interviews with various lawyers, I knew I wanted to get Mr. Heninger’s thoughts on this important but oft-overlooked aspect of advocating for clients – storytelling.

Interview on Storytelling with Stephen Heninger

JWR: What is the importance of storytelling?

SDH: This is like asking what is the importance of communication. Storytelling is a key component of the way we communicate with others. If we don’t think in terms of naked, unconnected data; we think in terms of narratives. Stories are a way to get some benefit or knowledge from someone else’s experience without having to go through the experience itself. Stories can also be used to confirm or refute issues by reference to one’s own actual experience. It is a dynamic process.

JWR: What role does storytelling have in jury trials?

SDH: The trial is a story. It is (like all good stories) operating on two levels. The “particulars” of the people, time and place of this story are the “universals.” The “universals” are the foundation of our human condition. These “universals” transcend the specific story’s temporal boundaries.

geographical setting. Every good story should have some underlying themes that connect with these “universals” like fairness, integrity, safe how to survive in this world. The story must seek some common ground with the jury so they pay attention and see a connection that answers the question. “Why should I care about this?” Stories that are crafted well provide a meaning that will resonate with the jury on both a logic and an emotional basis. Trial stories have a surface (particulars) and an essence (universals) meaning has to be provided that connects the two.

Trial lawyers are only the tellers of the story. Stories (like art) are not to show juries who I am – they are meant to show them who they are! We all are!

JWR: Why is storytelling so effective?

SDH: If told well, they entertain and instruct at the same time. When they are focused on “universal” values and emotions that establish common ground feeling or value, they transcend the “particular” parties and facts. We all think in narratives about the reasons behind events. This process is not inherent in raw facts or data. We are in the lighting and heating business as storytellers. The light illuminates what happened and instructs on particulars. The heat invokes an emotional response to what happened (or can happen again) so that the audience actually becomes a stakeholder in the narrative. I have often heard businessmen say “you get what you want by giving others what they want.” Businesses either create a desire/need or they satisfy an existing desire/need. We do the same thing by looking for a common ground that connects with the jury and give them what they want – the tools and insight to do the right thing for the right reason. This is our target. When the shooter misses the target, it isn’t the target’s fault. We don’t just compete for attention. We have to use the story to achieve connection.

JWR: How do you determine the most effective method of telling the story?

SDH: This is the great question. Stories have their own lives. We have to unlock them – not create them. Stories live by being retold. I always look for something that is contagious/likely to spread. A good story should strike a nerve with jurors that makes them want to retell it. It has the sticking power that drives the hearer to retell it in her own way filtered through her own values and what has struck her as important. We find elements that are contagious and intersect with a common ground that we feel is reasonably probable with this specific jury. It’s an assignment but this is the crucial point in my way of thinking. We can’t successfully force feed facts and opinions. We have to find a way to connect with the universals we think are present within this jury. Not all audiences are the same. Some may have been so inoculated that the contagious is unlikely. Look for some connecting point that even these people likely have that can frame the narrative in their terms.

JWR: How do you decide when it is an appropriate time to tell the story?

SDH: The telling starts as soon as the jury walks in. It is not completely laid out but comes in chapters and introduction. We have to get to our audience before we tell the story. This gives us insight into the target and how our framing needs to be formulated. Storytelling is taking place every stage of the trial. Questions can be phrased in ways that spotlight themes and “universals.” Stories don’t need to be chronological. I personally don’t like that approach. We can start anywhere: at the end or at the beginning or even in the middle. Of course, closing argument it all together.

JWR: What are the marks of an effective storyteller?

SDH: Someone who is not simply an interesting person but an interested person. Someone who does not tell others what to think but holds hands to look out the window and think together. We are not the stars of a story. We are the tellers of the story.

JWR: How can a person improve his storytelling to be more effective?

SDH: Be a good listener and observer of the stories that surround us everywhere. Watch others who tell stories and see what methods are successful and fit your own style. Practice it every day in every conversation. Long, boring stories hit each of us every day. What excites or grips you personally? Study human nature and follow your gut as it gets more awareness of people. Remember, meaning matters – details don’t. I support meaning but we are looking towards connecting our meaning of a story with our audience.

As you prepare for your next trial look for ways to connect with your audience, not only on an intellectual level, but on an emotional level. Give them a reason to empathize with your client, and provide the avenue to get to that point through effective storytelling.

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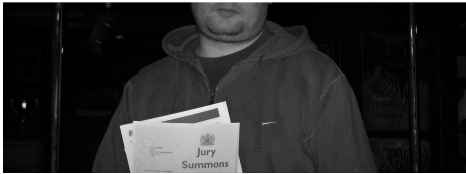


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