

EXCITING CHAMPION OF JUSTICE



PUBLIC ENEMIES
IN ACTION

No. 12

PUBLIC DEFENDER

A CHARLTON PUBLICATION

IN ACTION

10¢

**DEVELOPING THEORY AND
THEME THROUGH
STORYTELLING**





What does the science tell us?

- Jurors have bad memories – remember 60% after one day.
- Adults learn in three styles
- Adult attention span is getting less and less

THE

DICK VAN DYKE

SHOW





MUSIC TELEVISION®





The **average adult's attention span** is down to just 8 seconds (That's less than that of a goldfish.) We're multi-tasking. Psychology Today reports that only two percent of people are actually good at multi-tasking.

But consider...

https://youtu.be/wp8ebj_yRI4

We remember when...

- **There is a visual component connected to..**
- **An emotional content organized in...**
- **A narrative format.**



FOREST HILL
COMMUNITY CENTRE
ENTRANCE

STORY
TELLING
HERE



Story Telling

A photograph of an older man with glasses, wearing a brown suit and tie, reading a book to a young child. The child is seen from the back, looking towards the man. The background shows a window with red and white decorations. The text 'Story Telling' is overlaid at the top in large black font.

How does story work?

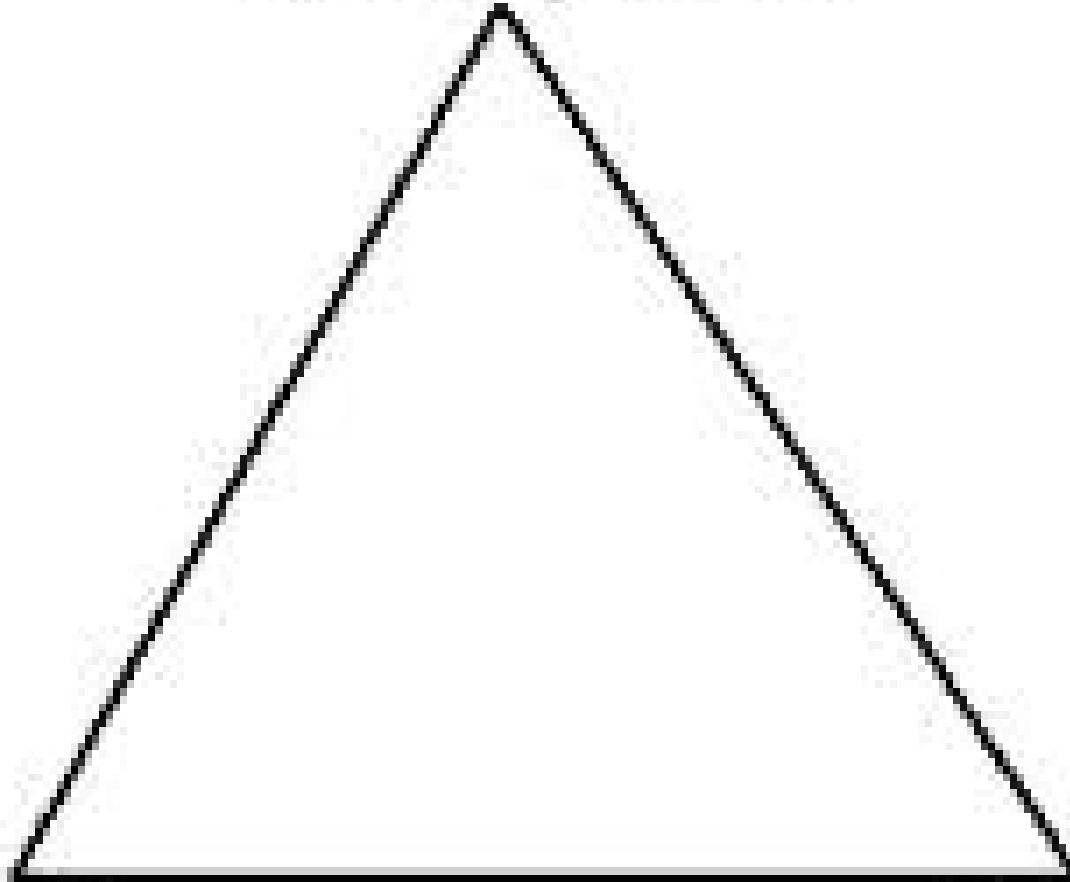
Story Form

A black and white photograph of a man in a suit pointing upwards while addressing a large audience in a lecture hall. The man is on the right side of the frame, gesturing with his right hand. The audience is seated in rows, filling the left and center of the frame. The background shows a classroom or lecture hall setting with a whiteboard or screen.

How does story work for us?

Ethos

credibility - trust



Logos

consistency - logic

Pathos

emotions - imagination

Ethos

- Listeners *like* a good storyteller.
- Allows us to introduce the material in a way that is *interesting*.
- Allows for the active demonstration of a *true belief*.
- Develops *trust* by avoiding premature argumentation.

Logos

consistency - logic

Pathos

emotions - imagination

Pathos

- Allows us to connect the **humanity** of the story to the jury.
- Allows for the jury to engage in their **imaginative** capacity to understand what has occurred.
- Allows us to engage the Heart of a **Warrior** and the Sword of a **Poet**.

Logos

consistency - logic

Pathos

emotions - imagination

Ethos credibility Logos

- Allows us to introduce the material in a way that is **organized**.
- Creates a context by which to **Judge** the evidence as it is introduced.
- A **visual** component attached to an **emotional** connection in a **narrative** format memorable – allows for a **logical** discussion at the end of the case.

Logos

Pathos

consistency - logic

emotions - imagination

Story Form

- Enhances organization
- Captures the imagination
- Develops emotional connections
- Is interesting
- Provides a logical format to discuss information
- Reaches all three adult learning styles

VISUAL
SEE IT.



AUDITORY
HEAR IT. SAY IT.



KINESTHETIC
DO IT.



Story Form

Where do we start?



Preparation

- Intense devotion to craft
- Intense devotion to client
- Intense devotion to case

The more you sweat in practice, the less you bleed in battle.

A handprint shape is formed by flames and fire, with the fingers pointing upwards. The fire is bright yellow and orange, set against a dark, smoky background.

Trial

by

Fire

Finding the Story

The client – discovering the narrative

Visiting the scenes in the story

Imaginative homework

Visualization

“Great stories
happen to those
who can tell them.”

Ira Glass

When we have the story we need...

a

Theory of Defense



“If you don’t know where you’re going, you’ll be lost when you get there?”

Yogi Berra

Legal Theory of Defense



- It never happened.
- It happened, but I didn't do it.
- It happened, I did it, but it wasn't a crime.
- It happened, I did it, it was a crime, but it wasn't this crime.
- It happened, I did it, it was a crime, but I wasn't responsible.
- It happened, I did it, it was a crime...

...so what.

The background features a central golden sphere at the top, with a vertical beam of blue light extending downwards. This beam is surrounded by several overlapping, translucent blue spheres that create a sense of depth and energy. The overall aesthetic is futuristic and scientific, with a dark, almost black background that makes the glowing elements stand out.

Theory of defense:

A short statement saying
what happened

Theory of Defense

- **A summary of factual and emotional that implicitly argues the legal.**
- **A statement about why client is innocent rather than not guilty**
- **A headline...**
- **This is a case about...**
- **This is a case about an abandoned adolescent who wanted the attention, affection and affirmation of her mother.**

What is Not a Theory

- **Self –Defense**
- **Mistaken ID**
- **Consent**
- **Alibi**
- **These are generic categories**
- **Reasonable Doubt**

**Themes: Re-occurring
motif's that are
repeated throughout
the trial**

Themes can be...

- **An underlying meaning to the story.**
- **A universal truth.**
- **A statement about society.**
- **A comment on human nature.**



Where do we start?

- **What is the prosecutor's story?**
- **What is the law?**
- **What does the prosecutor have to prove?**
- **What is our legal theory of defense?**
- **What is our story of innocence?**
- **What are the themes that support the story?**



Theory:

Former Military Police Officer Kathy Thomson was abducted, assaulted and abandoned while Evan was passed out at home with his beloved Boots

Themes:

- **Evan was an out of shape alcoholic**
- **Evan needed the wall for assistance**
- **The keys are not always in the light.**
- **C.S.I...not Inspector Clouseau**
- **Where's the dog hair?**
- **Circumstantial evidence killed the dog**

The Courtroom is...

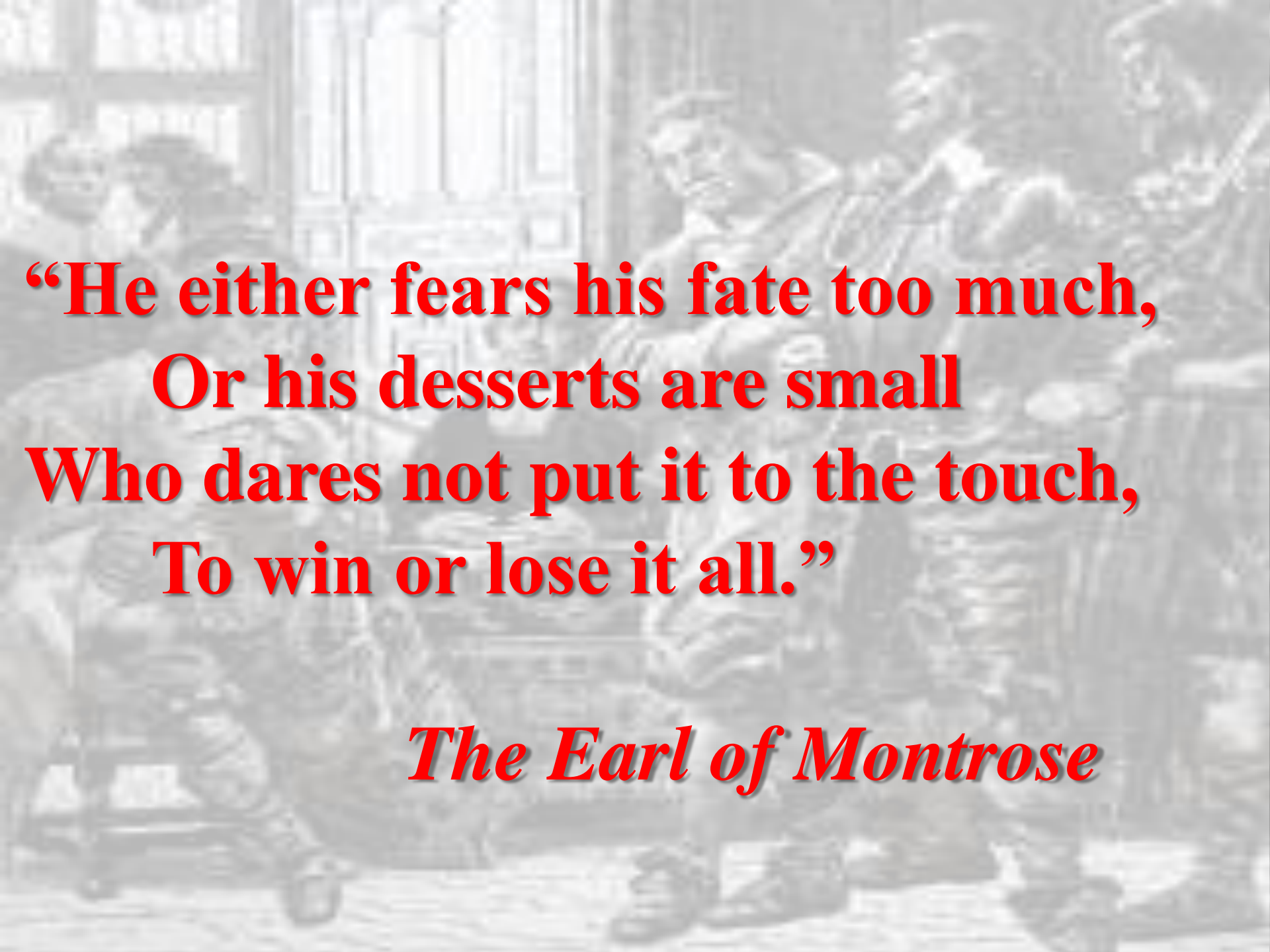


...an empty space

- **Create the scenes of importance.**
- **Keep them consistent.**
- **Refer to them throughout the trial.**
- **Revisit them during the closing argument.**

...an empty space

- **Create distance.**
- **Manifest time.**
- **Establish symbolic spatial relationships.**



**“He either fears his fate too much,
Or his desserts are small
Who dares not put it to the touch,
To win or lose it all.”**

The Earl of Montrose