

VALUABLE PUBLIC SPEAKING SKILLS FOR LEGAL PROFESSIONALS

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Abstract: *In the constant endeavour to improve their public speaking skills, legal professionals must be aware of the main aspects that they have to control and of the framework that they may use for that purpose. The elements of oral communication, politeness strategies, persuasion strategies, the main coordinates of verbal and nonverbal communication are surveyed in this article with the purpose of setting a point of departure for people working in the legal field who want to master the art of public speaking in order to become more credible, more efficient and more successful in their professional field.*

Key words: *public speaking, persuasion, credibility, communication.*

1. Introduction

Throughout their career path, legal professionals constantly face the need to improve their public speaking skills not only as an essential means of personal development but also as a manner of achieving job success by being able to trigger changes in vision, direction or opinion solely through good persuasive speech.

Apart from approval and appreciation, the use of efficient discourse strategies can bring about an increase in professional success, financial benefits and a more solid social standing.

Hence, it is essential to train (future) legal professionals in the acquisition of public speaking skills, which include verbal and non-verbal communication aptitudes, in such a way as to ensure the premise of a successful legal career and of outstanding social accomplishments.

This paper outlines the most valuable public speaking skills that can enhance the discursive efficiency of those working in the legal field, by taking into account the specificity of the legal discourse as well as the institutional contexts in which it may be uttered.

Any formal institutional context, such as the legal one, requires the participants in the discursive interaction to abide by strict norms and constraints that ensure the solemnity of the interactional setting. Especially undergraduate law school students who have not

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yet had the benefit of gaining work experience and thus of attaining a certain mastery of professional communication, could benefit most from such training.

2. Public Speaking in the Legal Context

Legal discourse is essentially persuasive discourse which involves expressing opinions, experiences and facts in such a way as to convince the interlocutors to adopt a certain attitude, to reach a targeted decision or to follow an envisaged direction of action. In order to achieve this aim, the public speaker has to resort to verbal and non-verbal communication skills, to structure their discourse in such a manner as to take into account all the possible factors that may interfere with the correct receipt of the intended message and to manage the perception that the interlocutors might have of them.

2.1. The Elements of Oral Communication

First and foremost, public speakers must be aware of the seven elements that are involved in oral communication and that must be seriously taken into account. According to Stephen E. Lucas (Lucas, 2014, p.38), the seven landmarks are the speaker, the message, the channel, the listener, the feedback, the noise and the situation.

a. The speaker - The speaker's success, the author postulates, depends on their personal credibility, on the amount and accuracy of the knowledge they possess, on speech preparation and their manner of delivering it with receptivity and enthusiasm. Lucas (2014, p.323) identifies three types of speaker credibility.

The latter can vary from one public discourse to another or can even shift in the course of a single discourse. *Initial credibility* is defined (Lucas, 2014, p.323) as the credibility of a speaker before they actually start to speak, *derived credibility* stems from all the words and actions of the speaker during the speech, and *final credibility* is the one that the speaker acquires after delivering the speech.

Credibility is dynamic, the author notes, and can shift from a high initial credibility to a low final credibility and vice versa. It all depends on the performance of the speaker.

For example, in the rhetoric of the COVID-19 pandemic, there were many specialists who started from high initial credibility and because of the arguments that they presented in their public speeches, their final credibility did not have an ascending trend. In subsequent speeches, however, they managed to restore their credibility to a satisfactory level.

b. The message is what the speaker communicates to the listener via words, tone of voice, appearance, gestures, facial expressions and eye contact.

As a speaker, one has to make sure that the intended message is not distorted by the lack of preparation, documentation, inappropriate or inaccurate wording and inadequate non-verbal signals.

Paciano Padron (2012, pp.86-87) states that there are three types of messages: *the verbal message* (i.e. the ideas that we communicate), *the vocal message* (i.e. the manner in which the words are uttered, the tone, the rhythm, inflections, voice

resonance, etc.) and the visual message (i.e. what the interlocutors see – facial expressions, gestures, body movement and posture). The three types of messages have to coexist harmoniously in discourse. One must not contradict the other.

- c. **The channel** is the means of communication. Lucas (2014, p.39) enumerates the telephone, videoconferencing platforms, radio and television channels as well as face-to-face interaction.
- d. **The listener** is the person who receives the message and who has his/her own referential framework (i.e. a mental image of something) that the speaker must necessarily take into consideration and adapt to.
- d. **The feedback** (Lucas, 2014, p.40) consists of the verbal and non-verbal responses given by the listener to the speaker. Feedback heavily depends on the referential framework of the listener.
- e. **The noise** has been defined as anything that can interfere with the transmission of a message. It can be internal (the listener's anxiety, boredom, subjective opinion of the speaker, family problems, health problems, discomfort) or external (outside noises, uncomfortable room temperature, etc.).
- f. **The situation** is the actual time and place of the speech. The setting is very important and the speaker must adapt to its requirements.

If public speakers in the legal field are aware of and observe all the coordinates above, they acquire the skill of tailoring their discourse to the particularities of the specific legal setting with all its constraints as well as to the referential framework of their interlocutors. Hence, their discourse becomes relevant to the situations and listeners and thus the outcome of communication is most likely to be successful.

2.2. The Structure of the Speech

Any discourse, either oral or written, must (ideally) follow a certain structure that makes the speech more accessible to the listener by requiring minimum processing effort, easier to decode and efficient from the point of view of the aims that the speaker envisages. When legal professionals are trained to become better public speakers, the trainer has to offer a straightforward and learner-friendly writing pattern that can be applied to longer or shorter speeches, that could be applied to written or spoken discourse and which can be used to accommodate formal or informal speech.

Such a pattern was provided by Jezra Kaye (2012, pp.61-75) who devised an instant speech which, due to the very suggestive sketch (Fig. 1) that helps trainees memorize the pattern, is very easy to remember and apply on a regular basis.

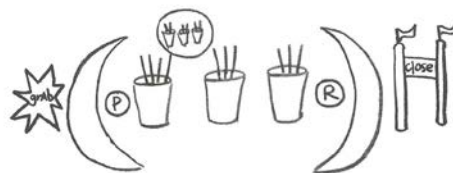


Fig.1. *Kaye's Instant Speech Pattern*

This drawing illustrates, from left to right, the following discourse stages (Kaye, 2012, p.71):

- 1.The attention grabber – which can be a question, a shocking statement, an anecdotal narrative, etc.;
- 2.The key message;
- 3.A preview of the supporting points;
- 4.The supporting points (which can have support points of their own) – the ideal number of supporting points is three, each with other three supporting points of their own if the speech is longer;
- 5.A recap of the supporting points;
- 6.The key message – the same as the one stated at the beginning. It may even have the same phrasing for the sake of symmetry;
- 7.The close – which has to contain what the speaker asks the listeners to do.

In a legal context where we are dealing with both written and spoken discourse, this pattern may be applied when there is no other standardized document pattern such as for claims, writs, affidavits, answers, notices, etc.

Especially in spoken interactions in court or in out-of-court professional contexts, the discourse stages presented above are a valuable instrument that could render the speech coherent, organized, methodical and easy to follow.

3. Verbal Communication Skills in Public Speaking

Apart from language accuracy and fluency, legal professionals who want to refine their public speaking skills must also master discursive politeness strategies, persuasion techniques as well as the vocal coordinates involved in delivering a speech.

3.1. Politeness Strategies

Discursive politeness is the attention that the speaker pays to the manner in which they communicate in such a way as to establish solid social relationships with their interlocutors. Hence, politeness presupposes the use of elements that transcend discourse and set up social connections between speakers and listeners.

Even if between them there is distance, dissociation or hostility, the discursive politeness strategies establish a communication channel based on mutual respect and civility.

In legal public speaking we are dealing with a standardized and formal type of speech in which, more than in any other context, tact and etiquette are essential, irrespective of the personal opinions and attitudes.

Every individual possesses a *negative face* (the need for being independent) and a *positive face* (the need for being connected), according to George Yule (1996, pp.60-62). The concept of *face* has been defined by Yule as the individual's social and emotional image that we expect all people to respect.

Through discursive politeness, the public speaker displays respect towards another person's *face*. Hence, **negative politeness** is a discursive action that protects the

negative face of a person by showing them respect, emphasizing their interests, apologizing for interruptions, and **positive politeness** is a discursive action that protects the *positive face* of a person by showing solidarity, laying emphasis on the common goal of all the participants in the communication event and highlighting their common interests.

Being polite in discourse also means that, as a public speaker, one has to make the processing effort as easy as possible for their interlocutors. Therefore, their written or spoken discourse has to have cohesion (i.e. to accurately use conjunctions and discursive connectives that display additive, adversative, causal or temporal relationships in discourse) as well as coherence.

The latter entails the use of familiar structures, patterns and knowledge. For legal professionals, public speaking in court when addressing their peers means that coherence is ensured by the observance of the dialogue patterns and of the mental framework that the specialized audience possesses.

When addressing an audience without legal training (clients, claimants, defendants, witnesses, etc.), coherence is established through adapting discourse to the level of knowledge and understanding that the listeners are known to have.

3.2. Persuasion techniques

Ferréol and Flageul's (2007, pp.164, 165) put forward a set of guidelines for public speakers who want to render their discourse more convincing. We will only focus on those techniques that are of particular relevance to legal professionals:

- a) the use of counter-objections – the speaker should predict and dismantle the force of their interlocutor's arguments (e.g. *'Some people may answer that...'*);
- b) address the audience directly (e.g. *'Your Honour,...'*);
- c) let the facts speak for themselves – support your argumentation with as many irrefutable facts as possible.
- d) separate yourselves from the general situation by expressing the differences that separate you as speakers from it (e.g. *'As for me, I will not be a demagogue and I will examine the facts as earnestly as possible'*)
- e) take advantage of the facts that cannot be challenged (e.g. *'This discovery, we have no choice but to admit... '*)
- f) use connectors (conjunctions) and verbs of presupposition (to assume, to imagine, etc.) which guide the recipient towards a conclusion which the speaker had envisaged, without giving the impression that the listener's free will had somehow been unexercised.
- g) steer clear of radical statements
- h) make reference to values as often as possible (e.g. *tolerance, justice, fairness, etc.*)
- i) demolish contrary opinions by demonstrating their limitations.

According to the type of public speech, one or several of the strategies rendered above can be used.

These strategies attain their maximum efficiency once communicators acquire experience in public speaking.

3.3. Voice Particularities

Irrespective of the natural and unique traits of our voices, public speaking requires communicators to train their voice so that it may accurately render the ideas and the message that we want to convey. In other words, we have to be able to control the volume, the tone, rhythm, pauses, vocal variety, pronunciation, articulation and dialect. Lucas (2014, pp. 245-248) gives a very comprehensive account of the eight vocal coordinates that speakers must control and, for a more friendly reading, we chose to present it in the table below:

The Voice (Lucas, 2014, pp.245-248)

Table 1

Volume = level of sound identity of a speaker's voice	- adapt your voice to the acoustics of the room, to the size of the audience and to the noise (see 2.1. for the definition of noise); - your voice will always sound more powerful to you than to the audience. Look at the people who are farthest from you; if you see them bend forward or signal that they have trouble hearing you in any other way, you should speak up.
Tone = the pitch of a speaker's voice	- the variations of the tone are called <i>inflexions</i> . The latter are used to communicate emotions and attitudes; - speakers should avoid repetitive inflexion patterns which irritate the audience. If all your sentences end with the same inflexion pattern (either ascending or descending) try to adapt the tone pattern to the meanings of the uttered words.
Rhythm = the speed of a person's speech	- rhythms depends on the mood that the speaker wants to create; to render excitement, the pace will be more alert; - keep the pace average: a slow rhythm will generate boredom whereas a very rapid one will make them unable to follow your ideas.
Pauses = temporary interruptions in speech	- pauses can indicate the end of an idea unit, can offer time for an idea to be processed by the audience, can offer a dramatic impact to a statement, can be used after a (rhetorical) question; - do not pause in the middle of an idea; - do not fill the moments of silence with 'uhm' or 'aaa'. Vocalized pauses induce a negative perception of the speaker.
Vocal Variety = changes in rhythm, tone and volume which confer diversity and expressiveness to a speaker's voice	- vocal variety is what makes the voice and the delivery of the speech more interesting and engaging; - you can cultivate an expressive and vivid voice by viewing any speech as an opportunity to share your ideas. If you believe in your speech, if your tone becomes convincing because you are convinced, the audience will enjoy and fondly remember the enthusiasm and dynamism of your speech.
Pronunciation = the standard of rhythm and of sound utterance	- if you are unsure of a word's correct pronunciation, check a dictionary; we all have words that we mispronounce once in a while. Better check than find yourself in an embarrassing situation in which you are publicly corrected or worse.
Articulation = the physical production of sounds in speech	- articulation and pronunciation are not the same. A negligent articulation is the unclear pronunciation of a sound or word. Pronunciation (described above) means that we don't know how to correctly pronounce the word whereas articulation means ignoring the right pronunciation (of which we are fully aware) out of inertia, laziness, etc.
Dialect = variant of a language characterized by variations of accent, grammar and vocabulary	- most languages have dialects which are based on regional or ethnic speech patterns. - in public speaking, the use of dialect when the audience is unfamiliar with it can become disturbing thus making the audience evaluate negatively the personality, the intelligence and the competence of the speaker. It is therefore recommended to use the standard dialect also used by news presenters; - dialect is allowed only if you address the community that uses it.

Public speakers must avoid verbal tics, the most serious verbal flaws that affect the quality of speech. Verbal tics are the uncontrolled, repeated use of words or phrases in discourse. The most frequent are: *ok, look, let's say, you know, you see, like, good*, etc.

The best way to avoid them is to replace them with silence until you are able to eliminate them completely.

4. Nonverbal Communication Skills in Public Speaking

Speech does not function in a vacuum as it is inextricably linked to elements of non-verbal communication through which we transmit, either voluntarily or involuntarily, information and behaviour solely through the physical presence of the speaker. Septimiu Chelcea (2008, p.13) calls nonverbal communication '*the dialogue without words*' and he defines it as involving kinesics (i.e. gestures, eye contact and posture), proxemics (i.e. the use of space), haptics (human touch), clothes and appearance, and chronemics (the representation of time).

By consciously controlling all the above mentioned non-verbal coordinates, we manage to control the representation that others have of us as speakers, as professionals and as social beings. For legal professionals it is even more important to leave nothing to chance; all the negative nonverbally-transmitted information can seriously affect the credibility of the legal professional public speaker.

Kinesics studies body movements as nonverbal communication which impact upon verbal interactions. Facial expressions, eye contact and body posture are the focus of kinesics (Chelcea, 2008, p.42). Extensive studies have been conducted on facial expressions, especially on the types of smile, as well as on body posture. The literature (Chelcea, 2008, p. 168) identified four main postures: a) of closeness (the body leans forward); b) of rejection, refusal, avoidance, withdrawal; c) of expansion which expresses arrogance, aggressiveness (the head, trunk and shoulders are in extension, the hands are on the hips); d) of contraction which is specific to disappointment and depression (the head turned downward and the shoulders hang down loosely).

Proxemics studies our personal, private and public space (Eggert, 2020, p.33). The zones of proxemics must be strictly respected in order not create uncomfortable verbal interactions. Thus, we have four zones: a) the intimate zone (15-45 centimetres); b) the personal zone (45cm – 1,25m) which is at an arm's length, the distance of hand shake. In most western cultures this is the ideal distance for most social relationships; c) the social zone (1,25 – 3.60m). Most interactions, transactions, negotiations and formal business communication take place at a social distance. Constant eye contact and raised voice volume become essential; d) the public zone (over 3.60m) in which there are no real social interactions or conversations. It is mainly specific to lectures, public speeches, etc. If the interactional context and the relationships between interlocutors change, one can pass from one zone to another, according to the specific communicational context.

Haptics is the study of human touch (Chelcea, 2008, p.80) and a great amount of study is dedicated to handshake. There are cultural norms that dictate who is the person that extends the hand first, in what order we shake hands and the amount of pressure that

one may apply in order to be polite or to send a particular message (of dominance, mutual respect, etc.).

Chronemics is study of time management which has been divided into two patterns (Chelcea, 2008, p.103):

- a) the displaced-point time pattern – the person arrives exactly on time for a meeting;
- b) the diffused-point time pattern – the person shows up 20-30 minutes late for the meeting. The first pattern applies to European countries and the second to Arab or South American countries where to be successful is to be late.

All these coordinates are as important as the verbal dimension of speech especially in a legal context which is very formal and governed by social, cultural and professional constraints. One has to be able to master and control the messages that their mind (through language) and their body (through movement) convey so that there is no discrepancy between them.

5. Conclusion

The essential skills that legal professionals must have in their public speaking are both verbal and nonverbal, politeness-oriented and focused on persuading the audience of the authenticity of the message. Although very difficult to balance, legal professional must pay special attention to these elements as they can influence the way in which they are perceived by society in general and by their peers in particular. Professional credibility, civility and integrity are not won only through theoretical knowledge but also through the manner in which we present that knowledge to others.

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