

# Leadership in Trial Advocacy: Credibility Is a Cornerstone of Effective Trial Advocacy

*Latour “LT” Lafferty*<sup>†</sup>

## Abstract

*Trial advocacy skills can be increased by the study, development and enhancement of fundamental leadership skills as described in this Article. Leadership skills and related communication techniques lead to the lawyer’s increased credibility when attempting to persuade the trier of fact, whether judge or jury.*

## I. Introduction

Successful trial advocacy is a reflection of personal leadership. What, you might ask, does personal leadership have to do with effective trial advocacy? Consider the following statement: Leadership “is influence—nothing more, nothing less.”<sup>1</sup> As you will learn, personal leadership has everything to do with persuasive trial advocacy, because effective advocacy is dependent upon the leadership skill of personal communication. Analyzing leadership skills promotes personal growth. Accordingly, trial lawyers may enhance their advocacy through the study, development, and practice of fundamental leadership skills. This Article discusses the importance of personal growth in trial lawyers through leadership study and the impact it can have on increasing the effectiveness of the trial lawyer’s persuasive advocacy (in contrast to ineffective argument).

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<sup>†</sup> B.A. (1989), University of Florida; J.D., Stetson University College of Law. The author is a Shareholder in the Tampa law firm Fowler White Boggs Banker, P.A. and is an Adjunct Professor of Trial Advocacy at Stetson University College of Law where he was conferred the Calvin A. Kuenzel Student Bar Association’s 2005 Adjunct Professor of the Year Award for demonstrating an engaging teaching style, overall concern for students, and dedication to the legal profession. Formerly, the author was an Assistant United States Attorney in the Middle District of Florida from 1995 to 2005 and an Instructor of Trial Advocacy at the United States Department of Justice’s National Advocacy Center (NAC).

The opinions expressed herein are solely those of the author and do not necessarily reflect those of the Department of Justice.

<sup>1</sup> JOHN C. MAXWELL, THE 21 IRREFUTABLE LAWS OF LEADERSHIP 13, 17 (1998).

## II. Leadership Is Influence— Nothing More, Nothing Less

Define leadership. One leadership text concluded that “[t]here are almost as many different definitions of leadership as there are persons who have attempted to define the concept.”<sup>2</sup> Although characterized and defined in many different ways, the constant theme throughout each definition of leadership is the focus on the *relationship* between the leader and the people being led, or followers.<sup>3</sup> More importantly, leadership emphasizes *influence* through *persuasion*.<sup>4</sup> A basic tenet of leadership, therefore, is that leadership entails a personal relationship that permits the leader to *influence* others to achieve a goal through *persuasion*. In fact, “[s]everal theorists defined leadership as successful persuasion without coercion; followers are convinced by the merits of the argument, not by the coercive power of the arguer” (*i.e.*, unpersuasive advocacy).<sup>5</sup> Accordingly, a relationship that permits one to persuasively influence others, including the fact finder, is the very essence of personal leadership.

## III. Leadership Is Contextual

Leadership is a thoroughly researched and studied topic. Presently, “[a]bout 40,000 research articles, magazine articles and books have been written” on the topic of leadership.<sup>6</sup> Any review of a national bookstore’s inventory will easily establish the prevalence of leadership study in a variety of contexts. The operative term is “contexts.”

How, you might ask, can so much be written on a single topic? The answer lies in the fact that leadership study is based on theoretical models

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<sup>2</sup> BERNARD M. BASS, BASS & STOGDILL’S HANDBOOK OF LEADERSHIP, THEORY, RESEARCH, AND MANAGERIAL APPLICATIONS 11 (3d ed. 1990).

<sup>3</sup> See ANDREW J. DUBRIN, LEADERSHIP, RESEARCH FINDINGS, PRACTICE, AND SKILLS 65 (4th ed. 2004).

<sup>4</sup> See BASS, *supra* note 2, at 13-14 (emphasis added).

<sup>5</sup> *Id.* at 14. The author also stated that leadership is “activity of influencing people to cooperate toward some goal which they come to find desirable.” *Id.* at 13 (citations omitted).

<sup>6</sup> DUBRIN, *supra* note 3, at 3.

and application to various contexts.<sup>7</sup> Leadership, or leadership skill, is defined and characterized by the context in which it is studied and applied. For example, studies have analyzed the universal characteristics of leadership,<sup>8</sup> the leadership characteristics of heroes,<sup>9</sup> presidential leadership lessons,<sup>10</sup> leadership skill in the Bible,<sup>11</sup> and in political, military, revolutionary, and historical contexts.<sup>12</sup> “[T]he fundamentals of leadership . . . probably [have] been the same for centuries. Yet . . . while the *content* of leadership has not changed, the context has . . . .”<sup>13</sup> In other words, the relevance of the study of any particular theoretical leadership model and individual leadership skill depends on the context in which it is being analyzed, including the context of trial advocacy.

#### IV. Inspirational Leadership

This Article, of course, is concerned with personal growth through leadership study in the context of trial advocacy. Personal leadership is characterized by the ability to inspire others to achieve a stated goal.<sup>14</sup> One method of understanding leadership is through the “trait theory,” in which leadership is defined by individual leadership characteristics.<sup>15</sup> In

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<sup>7</sup> See BASS, *supra* note 2, at 37-55.

<sup>8</sup> See WARREN BLANK, *THE 108 SKILLS OF NATURAL BORN LEADERS* (2001); see also MAXWELL, *supra* note 1.

<sup>9</sup> WILLIAM A. COHEN, *THE STUFF OF HEROES, THE EIGHT UNIVERSAL LAWS OF LEADERSHIP* (1998).

<sup>10</sup> See, e.g., DONALD T. PHILLIPS, *LINCOLN ON LEADERSHIP, EXECUTIVE STRATEGIES FOR TOUGH TIMES* (1993); JAMES M. STROCK, *THEODORE ROOSEVELT ON LEADERSHIP: EXECUTIVE LESSONS FROM THE BULLY PULPIT* (2001).

<sup>11</sup> LORIN WOOLFE, *LEADERSHIP SECRETS FROM THE BIBLE, FROM MOSES TO MATTHEW* (2002); JOHN C. MAXWELL, *THE MAXWELL LEADERSHIP BIBLE: LESSONS IN LEADERSHIP FROM THE WORD OF GOD* (2002).

<sup>12</sup> ALAN AXELROD, *PROFILES IN LEADERSHIP: THE DISTINCTIVE LIVES OF THE MEN AND WOMEN WHO SHAPED AMERICA* (2003).

<sup>13</sup> JAMES M. KOUZES & BARRY Z. POSNER, *THE LEADERSHIP CHALLENGE* xviii (3d ed. 2002) (emphasis added).

<sup>14</sup> DUBRIN, *supra* note 3, at 3.

<sup>15</sup> *Id.* at 63.

this regard, charismatic and inspirational leadership enables leaders to inspire confidence and support among an audience, including jurors.<sup>16</sup>

Charismatic leaders, like trial lawyers, “are passionate, driven individuals who are able to paint a compelling vision of the future.”<sup>17</sup> Charisma is a special leadership quality that enables leadership success through the ability to inspire others through masterful communication skills, to inspire trust in the personal relationship, and to empower followers or members of the audience.<sup>18</sup> Charismatic leaders inspire “extraordinary influence”<sup>19</sup> over their followers through a persuasive communication style that articulates a highly emotional message using metaphors and analogies that appeal to the intellectual imagination and the audience’s personal values.<sup>20</sup> The charismatic leaders create appeal through the use of language that identifies with the audience and tells a story that gets the message across through the use of memorable anecdotes.<sup>21</sup> For example, trial lawyers cannot lead through authority and coercion; rather, trial lawyers must “inspire and motivate” jurors to reach a favorable conclusion.<sup>22</sup>

However, there is a significant distinction between a charismatic and an inspirational leader that should be noted by trial lawyers. Charismatic leaders create influence when followers identify with the particular leader’s charisma.<sup>23</sup> Inspirational leaders, on the other hand, inspire others to achieve a desired outcome when the audience identifies with the inspirational leader’s goals and purpose, not because of the leader’s personal charisma.<sup>24</sup> Not all trial lawyers possess personal charisma, but every trial lawyer can develop leadership skill through effective personal

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<sup>16</sup> *See id.* at 3. Dubrin stated that “[l]eadership is the ability to inspire confidence and support among the people who are needed to achieve organizational goals.” *Id.*

<sup>17</sup> RICHARD L. HUGHES ET AL., *LEADERSHIP: ENHANCING THE LESSONS OF EXPERIENCE* 286 (3d ed. 1999).

<sup>18</sup> DUBRIN, *supra* note 3, at 63-64, 70-71.

<sup>19</sup> BASS, *supra* note 2, at 184.

<sup>20</sup> DUBRIN, *supra* note 3, at 75-76.

<sup>21</sup> *Id.*

<sup>22</sup> RICHARD C. WAITES, *COURTROOM PSYCHOLOGY AND TRIAL ADVOCACY* 4 (2003).

<sup>23</sup> BASS, *supra* note 2, at 206.

<sup>24</sup> *Id.*

communication that inspires others. Accordingly, leadership study in the trial advocacy context requires an analysis of the inspirational leadership of personal communication.

## V. Personal Communication

Quite simply, personal communication is the essence of “inspirational” leadership and “the very heart of what lawyers do.”<sup>25</sup> This is not a new principle. The principle of effective personal communication as a means of persuasion was explained by the ancient Greek philosopher Aristotle to entail: (1) establishing credibility; (2) presenting a sound, logical argument; and (3) moving the audience with emotion.<sup>26</sup> Aristotle referred to the components of effective persuasion as the *ethos* (the moral character of the speaker), *logos* (the logical force and power of the argument), and *pathos* (the emotional appeal of the argument).<sup>27</sup> In order to be persuasive (*i.e.*, effective advocacy), trial lawyers must not only present logical arguments (*logos*) that offer emotional appeal (*pathos*), but they must also demonstrate the important “inspirational” leadership characteristic of personal communication through credibility (*ethos*). Accordingly, leadership has everything to do with effective trial advocacy because “to win a case, the substance of your presentation must be compelling, meaningful and inspiring.”<sup>28</sup>

## VI. Persuasion

Leadership in trial advocacy means persuading, or positively influencing, the fact finder.<sup>29</sup> Persuading is what trial lawyers do best.<sup>30</sup> Effective

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<sup>25</sup> RICHARD H. LUCAS & K. BYRON MCCOY, *THE WINNING EDGE: EFFECTIVE COMMUNICATION AND PERSUASION TECHNIQUES FOR LAWYERS* 2 (1993).

<sup>26</sup> *Id.* at 2 n.11.

<sup>27</sup> L. TIMOTHY PERRIN ET AL., *THE ART AND SCIENCE OF TRIAL ADVOCACY* 13 (2003).

<sup>28</sup> WAITES, *supra* note 22, at 7.

<sup>29</sup> STEVEN LUBET, *MODERN TRIAL ADVOCACY* 31 (2000).

<sup>30</sup> LUCAS & MCCOY, *supra* note 25, at 2 (stating that “lawyers have at least two objectives: information gathering and persuasion”).

persuasion mandates that the trial lawyer “sell” the message to the jury, and requires a strategy that presents the argument in a “meaningful and motivational” manner.<sup>31</sup> The basic tenet of persuasion in all contexts, particularly in trial advocacy, is the use of personal communication through verbal interaction to motivate someone to act in a certain way or to make a favorable decision.<sup>32</sup> More particularly, effective trial advocacy requires a trial lawyer to lead, or influence, a jury’s decision-making process in the courtroom through personal communication.<sup>33</sup> Quite simply, “[t]he essence of advocacy is persuading someone to alter his or her view or perception through effective persuasion,” and “leadership indicates the ability to influence . . . and secure results through emotional appeals rather than through the exercise of authority.”<sup>34</sup> Hence, “[a] lawyer’s goal at trial is to persuade [or lead] the fact finder” to accept your view of the facts.<sup>35</sup>

The critical question, then, is how does a trial lawyer successfully lead the jury in this decision-making? How can you “inspire and motivate” the jury to alter their opinion and judgment to accept your version of the case? Primarily, by persuasively communicating your case to the jury through a credible source.<sup>36</sup> Although the message, or theory, of the case must be sound, persuasiveness is dependent on how the message is delivered, and by whom.<sup>37</sup> It is well stated that “[e]very trial is a battle for credibility” encompassing witnesses, the message, but most importantly, the communicator of the message.<sup>38</sup>

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<sup>31</sup> WAITES, *supra* note 22, at 8 (opining that trial advocacy “is the highest form of selling in the sense that we are selling ideas that will affect people’s lives”).

<sup>32</sup> *Id.* at 13.

<sup>33</sup> *Id.* at 24.

<sup>34</sup> Douglas S. Lavine, *Civility and Effective Advocacy Go Hand-in-Hand*, THE BENCHER, THE MAGAZINE OF THE AMERICAN INNS OF COURT, July/Aug. 2004, at 11; BASS, *supra* note 2, at 14 (quoting G.U. CLEETON & C.W. MASON, EXECUTIVE ABILITY—ITS DISCOVERY AND DEVELOPMENT (1934)).

<sup>35</sup> LUBET, *supra* note 29, at 15.

<sup>36</sup> WAITES, *supra* note 22, at 24, 26. Waites concluded that “persuasion (motivating someone to do something he would not ordinarily do) occurs when a credible source of information presents an idea or attitude that differs from ideas or attitudes that are already held by our ‘audience.’” *Id.* at 24-25.

<sup>37</sup> See LUCAS & MCCOY, *supra* note 25, at 3.

<sup>38</sup> *Id.* at xiii.

## VII. Credibility— One Cornerstone of Effective Advocacy

The common thread between the leadership skill of effective personal communication and the trial lawyer's art of persuasion is credibility. I once heard a judge commend a trial lawyer's skill by commenting, "Jurors want to believe you." This comment acknowledges a leadership characteristic very important to effective trial advocacy—credibility. Credibility is a core leadership characteristic that touches the very essence of personal communication in any relationship and, hence, persuasive advocacy.<sup>39</sup>

Courtroom psychology recognizes four elements to a persuasive communication: "the communicator, the message, how the message is communicated, and the audience."<sup>40</sup> A trial lawyer's effectiveness is dependent on understanding the interaction of these four elements. In addition, effective trial advocacy requires self-analysis and a clear understanding of the role the trial lawyer takes in communicating a message to the jury. According to renowned trial advocacy instructor Herbert Stern, "[t]he greatest weapon in the arsenal of an able trial lawyer is not the law, or even the facts. It is personal advocacy, coupled with personal standing with the jury."<sup>41</sup> Accordingly, personal communication and persuasion through credibility is an essential leadership skill of any trial lawyer.<sup>42</sup>

It has been said that "[e]very message that people receive is filtered through the messenger who delivers it," and if the messenger lacks credibility, then the audience will believe "the message has no value."<sup>43</sup> Credibility starts with the individual and underpins any personal relationship, including a trial lawyer's relationship with a jury. Both leaders and trial lawyers seek to persuade an audience who must first "buy-in" to the

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<sup>39</sup> DUBRIN, *supra* note 3, at 366.

<sup>40</sup> WAITES, *supra* note 22, at 26.

<sup>41</sup> HERBERT J. STERN, TRYING CASES TO WIN 13 (1991).

<sup>42</sup> See WAITES, *supra* note 22, at 26 (stating that "[w]ho the communicator is and how the communicator conducts himself or herself is important to credibility, and credibility is critical to persuasion").

<sup>43</sup> MAXWELL, *supra* note 1, at 146-47.

messenger and secondly, the message because there is a direct correlation between a speaker's credibility and the likely success of communicating the message.<sup>44</sup> When one attempts to define the characteristics of effective personal communication, the list always starts with credibility.<sup>45</sup> Similarly, a trial lawyer's influence begins with credibility; a jury is much more likely to believe a trial lawyer's witnesses when they believe that the lawyer herself is credible.<sup>46</sup> Courtroom psychology shows that "some of the most brilliant trial lawyers in the United States . . . view themselves as messengers" (*i.e.*, messengers of their theory of the case to a jury).<sup>47</sup>

Although Stern emphasized the importance of personal advocacy as the trial lawyer's weapon of choice, he described credibility and omniscience as the "twin cornerstones" of this advocacy.<sup>48</sup> Trial advocacy, like leadership, can be studied and learned. As such, trial lawyers can enhance their effectiveness through the development and practice of leadership skills. These skills are not *natural*; rather, leadership and trial skills are learned and developed as a product of personal growth. It has been said that "leadership ability . . . determines a person's level of effectiveness."<sup>49</sup> It naturally follows that trial lawyers can greatly increase their advocacy effectiveness through the development and practice of good leadership skills. Quite simply, credibility is a foundation of leadership, and also one cornerstone of effective trial advocacy.

## VIII. Establishing Credibility

Aristotle recognized over 2000 years ago that "[p]ersuasion is achieved by the speaker's personal character when the speech is so spoken as to make us think him more readily *credible*."<sup>50</sup> Although there appears to be some consensus that credibility is "one of the most important compo-

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<sup>44</sup> DUBRIN, *supra* note 3, at 366.

<sup>45</sup> *Id.*

<sup>46</sup> STERN, *supra* note 41, at 25.

<sup>47</sup> WAITES, *supra* note 22, at 7.

<sup>48</sup> STERN, *supra* note 41, at 13-14.

<sup>49</sup> MAXWELL, *supra* note 1, at 1.

<sup>50</sup> Lavine, *supra* note 34, at 11 (emphasis added).

nents of leadership success and effectiveness,<sup>51</sup> how can trial lawyers define and establish leadership credibility?

It cannot be stated and defined more eloquently than Dr. Noelle Nelson, an expert in trial psychology, stated:

What is credibility? Credibility is your believability factor in front of a jury. Credibility is the jury's willingness to believe something is true because you say it is true. Credibility is what inspires confidence and influences decisions. . . . Yet credibility is the very foundation of your success as a persuasive advocate, and because it is so important, it must be carefully established. . . . If the jury believes you are credible, it is willing to extend that credibility to your client and to your case. You are every bit as much on trial as is your client.<sup>52</sup>

From any perspective, credibility entails two fundamental elements: expertise and trust.<sup>53</sup> Leadership skill requires that leaders first know what they are talking about, and second, leaders must be trustworthy when talking.<sup>54</sup> Aristotle termed the advocate's credibility "ethos" consisting of good sense (*i.e.*, judgment), good moral character (*i.e.*, personal rectitude), and good will (*i.e.*, respect and courtesy).<sup>55</sup> Courtroom psychology demonstrates that "the fundamental dynamics of persuasion are the same everywhere."<sup>56</sup>

The first component of credibility in any situation is the perception of the advocate's expertise or competence in both subject matter and procedure.<sup>57</sup> In order for others to believe in you, they must first believe that you are competent in your profession and have the ability to make

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<sup>51</sup> HUGHES ET AL., *supra* note 17, at 580 (citing KOUZES & POSNER, *supra* note 13).

<sup>52</sup> NOELLE C. NELSON, A WINNING CASE HOW TO USE PERSUASIVE COMMUNICATION TECHNIQUES FOR SUCCESSFUL TRIAL WORK 1 (1991).

<sup>53</sup> HUGHES ET AL., *supra* note 17, at 579-84 (citing KOUZES & POSNER, *supra* note 13); DUBRIN, *supra* note 3, at 366; WAITES, *supra* note 22, at 26; PERRIN ET AL., *supra* note 27, at 14-19; NELSON, *supra* note 52, at 2.

<sup>54</sup> HUGHES ET AL., *supra* note 17, at 579-84 (citing KOUZES & POSNER, *supra* note 13).

<sup>55</sup> PERRIN ET AL., *supra* note 27, at 14-15.

<sup>56</sup> WAITES, *supra* note 22, at 8.

<sup>57</sup> PERRIN ET AL., *supra* note 27, at 15; WAITES, *supra* note 22, at 27; NELSON, *supra* note 52, at 2.

valid statements.<sup>58</sup> An advocate can create the perception of competence by speaking “directly and confidently” without even a slight equivocation, which only diminishes credibility.<sup>59</sup> Trial lawyers can establish competence with meticulous preparation including “a thorough understanding of the [facts], substantive law, rules of evidence, rules of procedure, and legal ethics.”<sup>60</sup> It has been said that “[a] competent [trial] lawyer is well organized and well prepared.”<sup>61</sup> A thoroughly prepared trial lawyer is confident in the presentation; confidence based on meticulous preparation irrefutably evinces competence.<sup>62</sup> The trial lawyer’s credibility is dependent on the perceived level of competence, because jurors recognize the trial lawyer’s confidence, or lack thereof, in the courtroom.

In review, leadership credibility requires that trial lawyers first know what they are talking about, and second, they must evoke trust with the jury.<sup>63</sup> A threshold of credibility in the courtroom is the perception of competence. In order for others to believe in the trial lawyer, they must first believe that the trial lawyer is competent in the profession. Once the perception of competence is established, leadership credibility requires that you evoke the audience’s trust in your integrity. People want to follow someone who is trustworthy and understand what they are talking about. Hence, the coalescence of competence with trust generates credibility, and ultimately, your effectiveness as an advocate.

Stern teaches that trial lawyers establish credibility through trust by demonstrating appropriate respect, formality, and fairness to all participants in the trial process.<sup>64</sup> Trial lawyers earn the jury’s trust by demonstrating a sincere personal commitment to the case.<sup>65</sup> Further, trust is earned through personal objectivity, which includes a willingness to keep promises and “give away” weak arguments, frivolous objections, legal

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<sup>58</sup> NELSON, *supra* note 52, at 2.

<sup>59</sup> WAITES, *supra* note 22, at 27.

<sup>60</sup> PERRIN ET AL., *supra* note 27, at 15; LUBET, *supra* note 29, at 2; NELSON, *supra* note 52, at 2.

<sup>61</sup> LUBET, *supra* note 29, at 9.

<sup>62</sup> *Id.* at 8-9.

<sup>63</sup> HUGHES ET AL., *supra* note 17, at 579-84 (1999) (citing KOUZES & POSNER, *supra* note 13).

<sup>64</sup> STERN, *supra* note 41, at 29-37.

<sup>65</sup> PERRIN ET AL., *supra* note 27, at 15; STERN, *supra* note 41, at 29-37.

“technicalities,” and the use of legalese or technical jargon, gimmicks, or tricks.<sup>66</sup> Most importantly, however, “[trial] lawyers can be adversarial and zealous without drifting into incivility [because] [t]he advocate who is polite and courteous is engaging in behavior that heightens credibility and makes persuasion easier.”<sup>67</sup> Credibility requires that “[i]nstead of being deceptive or manipulative, the trial advocate should be genuinely prepared, sincere, fair, straightforward, and authentic” in the client’s cause.<sup>68</sup>

“Integrity inspires trust, and, in trial work, trust leads to success.”<sup>69</sup> As Stern succinctly stated,

[t]he personal rectitude of the attorney in the courtroom, as perceived by the jurors, is the most important weapon of a trial lawyer. It is bigger than the facts and bigger than the law. And in the final analysis, the jurors will usually vote for the case of the lawyer they believe in.<sup>70</sup>

These values engender integrity and trust; a competent trial lawyer that is trusted by a jury is perceived to have integrity and is a credible leader. However, trial lawyers cannot simply create the perception of integrity. Integrity is part of our moral character and entails the personal values of sincerity, honesty, and courtesy.<sup>71</sup> In some respects, leadership is a true reflection of moral character.

Finally, credibility is a sum total. Credibility is won and lost with each decision that a trial lawyer makes during the course of a trial. The trial lawyer’s personal credibility is not only on trial by the jury,<sup>72</sup> but is constantly being evaluated.<sup>73</sup> “Everything a lawyer does either enhances his or her credibility, diminishes it, or leaves it unchanged.”<sup>74</sup> In essence,

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<sup>66</sup> PERRIN ET AL., *supra* note 27, at 15; STERN, *supra* note 41, at 29-37.

<sup>67</sup> Lavine, *supra* note 34, at 10-11.

<sup>68</sup> PERRIN ET AL., *supra* note 27, at 16; NELSON, *supra* note 52, at 2.

<sup>69</sup> LUBET, *supra* note 29, at 8.

<sup>70</sup> STERN, *supra* note 41, at 28.

<sup>71</sup> LUBET, *supra* note 29, at 7-8.

<sup>72</sup> STERN, *supra* note 41, at 24.

<sup>73</sup> LUBET, *supra* note 29, at 26.

<sup>74</sup> Lavine, *supra* note 34, at 10.

“[t]he jury tries the lawyers” in the process of trying the facts.<sup>75</sup> The trial lawyer’s primary objective of personal advocacy is achieved through the incremental establishment of credibility with the jury. The end result, as described by famed trial lawyer Edward Bennett Williams, is “that what [the trial lawyer] says is true simply because he says it is true.”<sup>76</sup> That is because a jury is more likely to believe in the witnesses when they believe in the trial lawyer (*i.e.*, the law of buy-in).<sup>77</sup> Therefore, the trial lawyer’s goal is to always maintain a positive level of credibility with the jury.<sup>78</sup>

## IX. Conclusion

In conclusion, “he who thinks he leads, but has no followers, is only taking a walk.”<sup>79</sup> Leadership is influence, nothing more, nothing less. Is not persuasive influence your main objective as a trial lawyer? Your primary objective is to positively persuade the fact finder—to influence the jurors to first believe in you, the messenger, and second to believe in your message, or theory of the case. Ask yourself this simple question, when you communicate with a jury, are you merely taking a walk? That depends on your personal leadership.

“In the end, leadership development is ultimately [about] self-improvement,” as is trial advocacy skill.<sup>80</sup> “[Personal] leadership transforms followers, creates visions of the goals that may be attained, and articulates for followers the ways to attain those goals,”<sup>81</sup> all of which is the trial lawyer’s objective. As one veteran trial lawyer and psychologist noted, “change is inevitable, but [personal] growth is optional.”<sup>82</sup> Strive to demonstrate leadership in trial advocacy by having a vision of being a

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<sup>75</sup> STERN, *supra* note 41, at 24.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.* at 25.

<sup>78</sup> See MAXWELL, *supra* note 1, at 57 (explaining that a leader’s history of success and failure affects her credibility standing).

<sup>79</sup> *Id.* at 20.

<sup>80</sup> KOUZES & POSNER, *supra* note 13, at xxviii.

<sup>81</sup> BASS, *supra* note 2, at 16.

<sup>82</sup> WAITES, *supra* note 22, at xxii.

credible advocate, one who positively influences a jury to decide a case favorably through effective personal communication and persuasive advocacy. Because “where there is no vision, the people perish.”<sup>83</sup>

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<sup>83</sup> *Proverbs* 29:18.

