



Selecting Well-spoken Lawyers

— BY MARSHA HUNTER —

Taking on a partner or hiring an associate can be a daunting process. As a small firm, you want to ensure that the person you choose to join you is the right one. While there are many capable attorneys out there, some are stars when it comes to communicating effectively. Effective communication — whether it is with you, a client, or fellow attorneys — is an important cornerstone in the business of lawyering. It is vital that you look for an attorney who can speak confidently and professionally.

How can the legal profession test and hire for well-spokenness? How can you interview to find the attorneys who already speak confidently and professionally? More important, if you have an otherwise great candidate with weak speaking skills, how can you evaluate whether he or she might be worth the investment in training?

There is an assumption that all lawyers can speak well — that law school teaches them to think like lawyers, write like lawyers, and talk like lawyers. But just as some don't manage to learn to think or write well, many, frankly, are not very good at speaking. It is not rare to hear attorneys confess that they stopped speaking up in class while earning their J.D. They learned early on that jousting with professors was stressful, and it was easier to remain on the verbal sidelines while the outspoken few answered most of the questions. Despite participating in speech in high school or debate in college, and despite the opportunity to engage the Socratic method in law school, they instead fell silent, putting off worrying about public speaking skills for later.

How do you find those who possess the most potential to talk like lawyers? Bear in mind that you should not look for people who can read a speech or recite a five-minute opening statement from memory. Look for people who can *talk*, extemporaneously, on pertinent topics.

The most direct way to find out if they can talk is to ask them to make a presentation at their interview. Models for this are already in use, allowing you to draw from expertise elsewhere. A recent article in the *New York Times* discussed the process of interviewing doctors fresh out of medical school. One innovative hospital didn't just interview prospective new hires — it put them through simulated patient interactions. They walked into an examining room and met with a patient, and then were evaluated on their ability to listen, communicate, diagnose, and recommend treatment. Candidates who were not prepared for such an encounter, or who had avoided learning it in medical school, were at a big disadvantage.

At the National Advocacy Center in South Carolina recently, an assistant U.S. attorney said she was asked to make an opening statement at her interview. She knew it was required at the final interview, but she was not given the fact pattern until she got there. Once she received the facts, she had 20 minutes to prepare.

Musicians audition. They play music, live, in front of the people who want to hire them. They have to be able to do more than hit all the notes. They have to communicate well. Orchestras have long used a “blind audition” model, in which musicians play behind a screen as the conductor and music staff listen. This is the virtuoso model: if you want a job playing, you have to demonstrate how well you play.

Likewise, in aviation, you actually have to fly aircraft to pass through many levels of testing. There are written tests and oral tests, but every airman has to walk out to an airplane with a Federal Aviation Administration examiner, climb in, take off, fly required maneuvers and approaches, and land the aircraft. He or she either passes or he or she doesn't. This is the proficient expert model: If you want a job flying, demonstrate how well you fly.

If you want a job counseling clients, why not demonstrate how well you talk? Here are guidelines for constructing the professional speaking portion of the interview and how to evaluate what you see and hear.

The Candidate's Presentation

Inform candidates that they will make two short presentations using a topic you give them. The two will be substantially similar, and they needn't worry about changing the content between the two. For one, they will sit at a conference table, and for the other, they will stand to address a small group.

Prepare a one-page summary of a typical problem that arises from day to day, one that often must be explained to clients. Litigators may want to supply a fact pattern for an opening statement, as at the U.S. Department of Justice. Candidates will receive the appropriate one-page problem at their interview.

Send the candidate to a room where they can prepare for 30 minutes. Ask them to prepare to speak on the topic for five minutes.

After their preparation, the candidate will return to a conference room and make their first presentation, sitting down. The more people listening, the better, but there should be at least three.

Now ask them to make the same presentation while standing. This will be more difficult, because their nerves will be greater when asked to think and speak on their feet. But since they have had a sitting-down run-through, they will be warmed up and increasingly comfortable.

Your Evaluation

After your candidate's interview, ask yourself these questions to determine if they are well-spoken prospects:

- Is the candidate making consistent eye contact with his or her listeners?
- Is there an excessive use of "um," "like," and "you know"?
- Do many sentences end with an uptick of uncertainty?
- Is there a logical structure with a beginning, middle, and end?
- Does he or she have the ability to stand still while speaking?
- Are there too many distracting physical tics and mannerisms?
- Do his or her sentences begin with numerous false starts?
- Are there too many incomplete sentences that do not conclusively end?
- Is the candidate speaking so fast that he or she is stumbling over his or her words and ideas?
- Is the candidate a flat, boring, monotone speaker?
- Is he or she making excuses such as, "If this were a real case ...," "If I had more time to prepare ..."? (People who feel

the need to point out that you are asking them to do something that isn't "real" are out of touch with the assignment.)

By requiring a presentation at a final interview, you can select for excellent communicators while you weed out those who may be difficult to train. Watching an example of a pertinent skill will help you make judgments about the majority in the middle of the pack. A public speaking assignment shows candidates at their most vulnerable, because their nerves will kick in and you can observe how they cope. Those who can rise to the occasion will most likely be worth the investment and be a solid performer with the wherewithal to embrace training. If you hire A-plus performers, your training dollars will go farther. ✪

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