

Proposal for 2005 AALS LWRR Section Program

Title: Developing the 5th MacCrate Skill – The Art of Storytelling

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Description: The heart of persuasive writing and oral argument centers on the ability to create a compelling story about the client or issue. The elements that define a good story - characters, conflicts and resolution - are also central facets to a convincing legal argument. Recognizing the importance of storytelling in legal education, law schools have recently explored how best to incorporate this skill into the traditional legal education curriculum. For example, NYU Law School made a commitment to this by hiring Anna Deavere Smith, a playwright and actress (*West Wing*), to help teach their lawyering program. (See Karen W. Arenson, *The Fine Art of Listening*, N.Y. Times 4A (January 13, 2002)(accessible through Lexis). The lawyering program teaches students how to think and write critically. According to the article educators at NYU “believed that traditional legal education focused too narrowly on legal reasoning and analysis of legal texts.” To counter this they created their innovative lawyering program which helps teach students “a broader variety of skills.” They have brought in not only storytellers but a number of nonlawyers including two Harvard psychologists.

NYU is not the only institution that has focused on the need for lawyers to be good storytellers. Much has been written on this topic including Professor Steven Hobbs’ excellent article, *Ralph Ellison as Oral Storyteller*, 26 OKCULR 927 (2001). I have attached a selected bibliography of articles focusing on the importance of the story method in law.

This academy wide interest makes it the perfect time for our section to host a session on storytelling and the law. After attending this session participants will have a basic knowledge of what makes a good story and how to tell a story as well as ways to incorporate storytelling into traditional law school classes.

Importance to our Section: The benefit of having a session like this one is that it has great importance to LWR Professors but will also appeal to many other non-LWR law school professors. Obviously, teaching students storytelling components and techniques will greatly benefit our students helping them become better storytellers and as a result better attorneys. The skills storytellers can share will directly improve students’ persuasive writing and oral argument skills making this of particular interest to anyone who teaches writing. However, the same skills and lessons may be valuable not only in legal writing classes but in many other courses since storytelling emphasizes the human components

often overlooked in the sterile environment of the law school classroom. In addition, past AALS sessions on creative teaching methods always seem to have high attendance.

Description of Program Format: Panel Discussion moderated by Susan Kosse. I have included what panel members can discuss at the end of their bios. Ms. Creeden is also interested in doing interactive exercises with the participants if we have time.

Linda Gorham: Linda Gorham is a storyteller from Chicago, Illinois. She has come to my Basic Legal Skills classes at U of L for the last two years. Her web page claims that:

Linda's stories are fun, full of energy, and designed to enhance the love of reading. She tells folktales, inspirational stories, fables, "RESPECT" stories, hero stories, and, of course, stories that make your spine tingle and your hair stand on edge. Linda's stories reinforce values, spark the imagination, and explore the world of ideas and traditions from other cultures. No room for listeners only - be ready for participatory storytelling. Get ready to chant, get ready to move, get ready for fun! And watch out, you may be inspired, relive a memory, and learn something new.

Linda was the co-chair of the National Storytelling Conference coming to Chicago in July 2003. And yes, she's the teller with the **GOLD** shoes!

I will ask Linda to share with participants the elements of a good story, techniques for telling stories, and an example of a legal story told two different ways.

Stephen Hobbs: Professor Hobbs has written on this subject and uses professional storytellers often in his law classes in addition to being a storyteller himself. Professor Hobbs graduated magna cum laude from Harvard University in 1975 with a bachelor of arts degree and received the juris doctor from the University of Pennsylvania Law School in 1979. Professor Hobbs was a member of the Washington and Lee law faculty for 16 years before accepting the position of Tom Bevill Chairholder of Law at Alabama in 1997. He also has visited on the law faculties at Willamette University and Florida State University. Upon graduation from law school, Professor Hobbs practiced in the Department of the Public Advocate in Trenton, New Jersey. In 1981 he began his career in academics. Both his professional and scholarly interests demonstrate his commitment to the fair distribution of social and legal benefits to individuals. The classes he has taught, the topics of scholarship on which he has written, and the issues he has addressed at professional conferences deal with elder law, family law, fair housing law, and social and economic justice. He has written numerous law review articles on these subjects and was instrumental in drafting the Virginia

Human Rights Act. Professor Hobbs teaches Professional Responsibility, Family Law, and a series of classes that focus on the development of small businesses.

Professor Hobbs will share with participants how he has used storytellers in his law school classes.

Philip N. Meyer is a Professor of Law at Vermont Law School, where he teaches Criminal Law and directs the Legal Writing Program. He has written extensively in the areas of Law and Narrative, Law and Storytelling, and Law and Popular Culture. He is currently completing an essay for a book to be published by Oxford Press in 2005, on how practitioners might learn about writing from popular storytellers and writers, and chapters of a student text for LEXIS NEXIS on Law and Popular Culture. He is also preparing materials for teaching attorneys representing condemned inmates about effective narrative writing at a Narrative Persuasion Institute to be held at Cornell Law School in 2005.

His most recent articles include: "Making the Narrative Move: Observations Based Upon Reading Gerry Spence's Closing Argument in The Estate of Karen Silkwood v. Kerr Mc-Gee," *Clinical Law Review* (2002) and "The Darkness Visible: Litigation Stories and Lawrence Joseph's Lawyerland," *Syracuse Law Review* (2003). Meyer received an MFA from The Writers' Workshop at The University of Iowa, has published fiction and non-fiction, and is the recipient of The Mary Roberts Rinehart Foundation Grant in fiction. He currently serves as Chair Elect of the AALS Section of Law & Humanities.

Professor Meyer will share with participants his materials and use of the storytelling method.

Sharon Creeden is the author of Fair is Fair: World Folktales of Justice. After receiving her law degree, she served as a deputy criminal prosecutor in King County, Washington for several years. Since 1983 she has been telling stories about justice at school libraries and festivals around the country, and instructing lawyers on how to be effective raconteurs in the courtroom. She resides in Seattle and Tuscan.

Ms. Creeden can share her techniques for teaching lawyers including her experience presenting at NITA. She also is interested in doing something interactive.

I also have an email into **Joel ben Izzy**. He was featured in the Jan 16th-18th, 2004 USA Today Weekend Magazine. I will attach that article at the end of this proposal. He trains attorneys and lives in Berkeley. I am hopeful we can get him too.

Selected Bibliography

Karen W. Arenson, *The Fine Art of Listening*, N.Y. Times 4A (January 13, 2002).

James W. McElhaney, *Hit Themes*, ABA Journal 88 (August 1998).

Laura Gardner Webster, *Telling Stories: The Spoken Narrative Tradition in Criminal Defense Discourse*, 42 Mercer L. Rev. 553 (1991).

Gerald P. Lopez, *Lay Lawyering*, 32 UCLA L. Rev. 1 (1984).

Carrie Menkel-Meadow, *Forward Telling Stories in School: Using Case Studies and Stories To Teach Legal Ethics*, 69 Fordham L. Rev. 787 (2000).

Roger C. Cramton and Susan P. Koniak, *Rule, Story, and Commitment In The Teaching of Legal Ethics*, Wm. & Mary L. Rev. 145 (1996).

Susan Hanley Kosse, *Buffalo Creek Prevents Legal Writing Class Disaster*, vol. X(2) The Law Teacher 14 (Spring 2003).

USA Weekend Jan 16-18, 2004.

You can be a great storyteller

Everyday life is all the fodder you need, a professional raconteur says. And believe it or not, learning to spin a good yarn can help you in surprising ways.

By Laura Shin

The word "storyteller" may conjure up images of ancient tribesmen spinning folk tales around a campfire. But remember the toast you gave at your best friend's wedding? The ice-breaking intro you used on your last conference call? The joke you told at work?

Those are all examples of storytelling, says Joel ben Izzy, a professional storyteller for 20 years and the author of a new memoir, "The Beggar King and the Secret of Happiness" (Algonquin Books, \$22.95). "I think people often overlook stories," says ben Izzy, who also teaches storytelling at Pixar Animation Studios, the masterminds behind

Misery enriches the narrative of our lives. "Without bad things happening," says Joel ben Izzy, "you've got a pretty boring story."

innovative animated films such as "Finding Nemo," which is likely to be nominated for an Oscar. "In everyday life we're too busy rushing around to stop and realize the story we're in."

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Banks, law firms and technology companies pay ben Izzy top dollar to come in and teach his techniques, and not just to enliven their water-cooler banter. Here are his tips on how storytelling can help you:

Succeed at the office

When preparing a presentation or just trying to make a point, always look at the big picture, ben Izzy says. "Then come up with a story that will shed light on that picture." To best connect with your audience, take a simple scenario -- something most of your colleagues can relate to -- add humor, and pay attention to the listeners' reactions. And most important, take time to clear your mind before you speak, he says, and you'll avoid rambling on and on with a story that works like Nyquil: "Most people go off on really dull tangents and put others to sleep." Storytelling Rule No. 1: Beforehand, give yourself some time and silence.

Impress in an interview

Instead of reciting your résumé at your umpteenth job interview, sell yourself with a good yarn. "Look back to the moment when you got the passion to do that job," says ben Izzy, whose essay in his application to Stanford included a story about someone who, when looking back on his life, considers what it might have been if he hadn't taken risks. (He got in.) "If you're in an interview for med school, you can say, 'Let me tell you about when I first discovered I wanted to be a doctor.' " It will punctuate your interest in the field while making you a more multidimensional candidate. Storytelling Rule No. 2: Remember what your audience's interests are.

Score points on a first date

Take the advice of a man who is happily married with two children: Don't give a play-by-play of your last failed relationship. But do illuminate choice aspects of your life with colorful, detailed anecdotes. "If you're talking about seeing the moon rise over Machu Picchu, talk about the reflection of the moon in a puddle of water," ben Izzy says. "Help someone feel as though they were there, seeing what you saw or hearing what you heard." Storytelling Rule No. 3: Include rich sensory images in your story, but

don't get lost in the details.

Give a terrific toast

Because you're usually raising a glass for a special event, think of your tale as the end of one narrative and the start of another. "You should reflect back to the past and build a bridge to the future," ben Izzy says. "You could say, 'When I first met David, we were both working in Boston at the same company, and we bumped into each other on the subway, and I noticed he was reading a book of poetry. We got to talking about the book, and in fact it's a book I've come to love. Here's a poem from that book.' "

Storytelling Rule No. 4: Zoom in. Start with a general picture of a time and a place, then move to a detailed one.

Face life's challenges

Six years ago, ben Izzy was diagnosed with thyroid cancer -- and that wasn't even the bad part. Surgery easily cured the cancer, but ben Izzy lost his voice -- and his job and passion. Though he moped a lot at first, he eventually began looking at his problem as an interesting story, and taking the step back helped him think about it constructively. "So many times when we're sick, depressed, lonely and miserable, we think we're this single, isolated person," he says. "But telling it as a story, you become a character in your story. Without bad things happening to your heroes, you've got a pretty boring story." An experimental surgery finally brought his voice back, and he is again giving performances, lectures and book readings. But the year of silence taught him a good lesson: that being on the receiving end of stories is just as important. Final rule of storytelling: Know the ending, and when you get there, stop.