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The Jury Likes Me, the Jury Likes Me Not
Building Rapport In the Courtroom

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By Jason Bloom and Karin Powdermaker

All of us have been to a party or gathering where we were introduced to a myriad of new people, yet only one or two stood out in our mind. These were people that, for one reason or another, we were drawn to, people we connected with. These were not people we knew anything special about, other than maybe their job and relation to the host of the party, yet we felt a certain level of comfort with them that was distinctly different from the level of comfort we felt with other guests. What is it that makes us instantly like them or feel connected to them?

Certainly, the physical attractiveness of a person can influence people to a degree, but in examining the connection deeper, there are certain personality traits that make some people more appealing upon an initial meeting than others. Some people just make us feel comfortable around them. That amount of appeal and comfort often dictates the level of rapport built between two people.

Rapport refers to the harmony experienced between people, or instant kinship. For attorneys and witnesses, understanding this phenomenon is paramount to establishing and maintaining a connection with jurors in the courtroom. In examining what personal attributes enhance rapport building, two factors must be examined: (1) the non-verbal cues people express, and (2) the relationship-building skills employed.

Non-Verbal Communication

Non-verbal communication is vital to building rapport. Only 7 percent of one's message is communicated verbally; the

remaining 93 percent is communicated non-verbally through speech tenor and tone, body language, and physical demeanor (Mehrabian 1981).¹ Or, as Will Smith exclaims in the movie *Hitch*, "Ninety percent of what you're saying ain't coming out of your mouth."²

Eye Contact

Think back to a time when you were first introduced to someone and they barely glanced at you. What kind of an impact did that make on you? More than likely, you were left with a negative impression of that person because that person made you feel unworthy of their attention. Rarely do people stop and think, "That person must be distracted, or maybe he or she is really shy." The typical reaction, by most people, is to assume that the person is either rude or does not feel that you are important enough to assign any amount of time to. Unfortunately, those initial reactions lay the groundwork for impressions that can be long lasting and deeply rooted.

The need to be accepted and respected are core needs of all humans; making eye contact is essential toward offering acceptance to others. When eye contact is made on an initial meeting, people feel important. They feel as though that person has made an attempt not only to include you, but also to connect with you.

Direct eye contact is an essential component of establishing rapport in the courtroom. Based on numerous post-trial juror interviews, jurors remember and report positive feelings toward those witnesses and attorneys who made them feel included and part of the process. When

queried further for specifically what these attorneys and witnesses did to generate feelings of inclusion, an overwhelming majority of jurors reported that the person made eye contact with them. Jurors reported that they felt as if that person was talking directly to them and truly wanted them to understand what they were saying.

Eye contact with jurors should be a natural process, by which a witness or attorney talks with jurors as they would any ordinary group of people. Note that jurors desire to be spoken "with," not spoken "to." For witnesses, adjusting their posture partly toward the jury box and partly toward the questioning attorney can make eye contact with jurors effortless and easy. In other words, a small shift of the chair angled toward the jury will allow witnesses to present to the jury, in a natural and relaxed posture, one that includes them in the conversation. Jurors have reacted negatively towards witnesses who engage one-on-one with the attorney, never even glancing the way of the jurors. Jurors have expressed that this makes them feel excluded from the conversation and thus the process. An actual juror interviewed after a six week antitrust case said this about the plaintiffs expert: "Mr. X didn't even look over at us one time while he was testifying; it was like we were invisible. I didn't care for him." Attorneys can greatly enhance rapport and juror appeal by including jurors in their questioning with glances their way and prompts with their questions such as: "Could you tell the ladies and gentlemen of the jury?" This gives the attorney an opportunity to

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