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Steve Jobs' Challenge for Trial Lawyers

by David Bissinger

The death of Apple Inc.'s co-founder Steve Jobs has prompted many to reflect on the impact of the technology he championed. But his more compelling legacy for trial lawyers lies in the standard he set for public speaking.

A trial lawyer's important role in society should inspire advocates not only to match but also to exceed Jobs' standards in at least three respects: simplicity, intuition and passion. As Carmine Gallo observed in "Presentation Secrets of Steve Jobs: How to Be Insanely Great in Front of Any Audience," those who speak for a living need to remember how Jobs "transformed the typical, dull, technical, plodding slide show into a theatrical event complete with heroes, villains, a supporting cast, and stunning backdrops."

Simplicity. As noted in Walter Isaacson's biography, "Steve Jobs," Jobs loved to quote Leonardo da Vinci's maxim that "[s]implicity is the ultimate sophistication." As Isaacson noted, Jobs aimed for the simplicity that comes from conquering complexities, not ignoring them.

Jobs simplified his speeches by eliminating noise and clutter from his appearance, his slides and his words. First, his plain clothing removed distractions that a fancy suit or bright tie might bring. Second, he used slides that minimized text, and the text he used was easy to read. In launching the MacBook Air, for example, he used slides that conveyed his core themes but nothing else with statements such as "The world's thinnest notebook." Third, in his speaking, Jobs used plain words, short sentences and silence. He let his words breathe and his point sink in.

Trial lawyers should follow Jobs' lead. While a black turtleneck would be unwise in the courtroom, trial lawyers can avoid distracting ties, jewelry and other clothing items. They should avoid PowerPoint slides jammed with string citations, bullet points, detailed text, small fonts and boilerplate. They should never rush through a prepared speech, cramming in details at the expense of the big-picture themes.

True, simplifying carries risks, and choices about what to include and exclude are difficult. But failing to simplify creates even bigger dangers. A disjointed presentation, witness examination or exhibit list risks unnecessary anxiety for the trial lawyer and creates confusion and frustration for the judge, jury or arbitrator. As Jobs' successor, Apple Inc. CEO Timothy

D. Cook, observed in Isaacson's book, Jobs "turn[ed] off the noise," which "allow[ed] him to focus on a few things and say no to many things."

Intuition. Jobs also appealed to his customers' and audiences' intuition. "You've got to start with the customer experience and work back to the technology not the other way around," Gallo's book quotes him as saying at a May 1997 conference.

Jobs realized he was selling an experience, not a product. He focused on appealing to the customer, not on the technology. Note the emphasis on the user when he introduced the iPod: "[T]he coolest thing about iPod is that your entire music library fits in your pocket."

If Jobs could appeal to intuition selling iPods, surely trial lawyers can connect with judges, jurors and arbitrators as they tell their clients' stories. In a contract case, it may be that a deal is a deal. Fraud cases provoke hard questions about which side is telling the truth. These are issues about which everyone has feelings; the lawyer's challenge is to highlight those issues rather than burying them in legalese or technical jargon.

Passion. Finally, Jobs brought passion to his speeches. He prided himself on trying to "put a dent in the universe," as Isaacson noted. As Jobs challenged then-Pepsi executive John Sculley in joining Apple, "Do you want to spend the rest of your life selling sugared water or do you want a chance to change the world?"

A refinement of Jobs' challenge applies to trial lawyers, who spend their lives neither selling sugared water nor the latest smartphone but rather passionately seeking justice for clients, which really does change the world. Whether litigating on behalf of a legitimate victim or defending against a wrongful or exaggerated claim, counsel must find the passion to tell the client's story in the most compelling, clear, straightforward and effective way.

As trial attorneys enter the year ahead and prepare their next multimedia presentation, they should remember Jobs not just for iPhones and iPads but for challenging those who speak for a living to take the ancient art of persuasion to new levels.

David Bissinger is a trial lawyer and partner in Siegmyer, Oshman & Bissinger in Houston.