

2017 Convention
**Champions
for Justice**

8. Effectively Dealing with Difficult Witnesses and Clients

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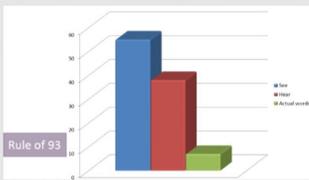


Effectively Dealing with Difficult Witnesses and Clients

Presented by: Deborah Johnson, MC
President
High-Stakes Communication



1. Three key elements of your case
 - The nexus of winning is when all three are strong
 - Your facts
 - Your presentation
 - Your witnesses



2. The Rule of 93
 - Nonverbal communication makes up 93% of impact on listeners
 - 55% is your body language
 - 38% is your tone of voice
 - 7% is your actual words



3. Assessing your Witness
 - Know where to invest time to help them overcome problems.
 - PRACTICE TIP: Carefully evaluate these aspects:
 - Listening skills
 - Verbal skills
 - Body language
 - Attitude
 - Stressors
 - Disconnects
 - Decide where you can get the biggest ROI and focus on that first



4. Surface vs Subsurface
 - Most preparation work occurs on the surface
 - The biggest problems with witnesses lurk below the surface, in the emotional realm of human beings
 - Working at the subsurface level will give you the biggest ROI



5. Maslow's Hierarchy of Needs
 - People are motivated by need to fulfill 5 basic needs: physiological, safety, love/belonging, esteem and self-actualization
 - We start at the bottom and work our way up as each level is satisfied
 - Any threat to any lower level and we immediately move to/focus on that level
 - If your witness feels unsafe, they can't focus on higher level activities

6. I promised to give you 3 secrets that no one else will tell you



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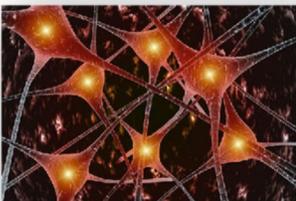
7. Secret #1 Bleed the Pressure
 - People can't learn or even retain information if they are stressed or afraid
 - The brain circuitry is disturbed under those conditions
 - You must give your witness a chance to decompress BEFORE you try to teach them new skills
 - It takes time and patience
 - If you hurry or skip it, you do at peril of not having an effective witness when the pressure is on



8. Inner Chatter
 - PRACTICE TIP: Right at the beginning, before you get into substance
 - Ask your witness, "What are you worried about?" Listen carefully, with no judgement
 - Let them go until you're sure they are finished
 - Then ask, "What are you worried will happen?" These are 2 distinct questions
 - Then probe with, "And then what will happen?" "And then what will happen?"
 - Repeat again and again. Finally ask, "On a scale of 1-100, what is the likelihood that will happen?"



9. Secret #2 Set an Anchor
 - Remember Maslow's Hierarchy—need to feel safe trumps any and all intellectual pursuits
 - PRACTICE TIP: Find something your witness is successful at and confident about
 - Leverage those skills to show how the skills can help them successfully testify



10. Secret #3 the Skill
 - Knowing something and doing it are completely different
 - Whichever skill they need to learn, you help them build new neural pathways by DOING it again and again
 - PRACTICE TIP: drill the skill. Do not drill their answers. Example of learning to answer more concisely

11. Review of key points and Practice Tips



12. Call in the Cavalry
 - Every witness can get better
 - It takes a certain set of skills and experience to work with witnesses at the subsurface level
 - Don't compromise your case, your relationship with your client, or your reputation by shortchanging witness preparation