Courtroom Drama: Presentations of Reality Using Storytelling

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Abstract
This is an ethnographic study on how lawyers manage their professional identities, their client’s identities, and their presentation of a case in the courtroom setting. Data was collected through observations in the courtroom setting and in-depth interviews with prosecutors and defense attorneys. The data shows how impression management and storytelling are used to create alternate realities in the courtroom. Both the prosecutor and defense attorney present their version of reality with the hopes of it connecting the most with their intended audience (the judge and/or jury). There is a process of presenting a reality in the courtroom and it starts with how the attorney presents themselves and represents their clients.

Keywords: impression management, reality construction, storytelling, attorney, courtroom, ethnography
Courtroom Drama: Presentations of Reality Using Storytelling

The purpose of this research is to understand how the definition of the situation is changed through an attorney’s self-presentation and representation of their client. The research focuses on how lawyers present themselves, their clients, and their arguments in a courtroom setting.

This research will give us insight into how identity is managed in the courtroom, how the story presented by a lawyer can impact the case, and how storytelling has power over how those around us perceive the current situation. We will also acquire knowledge of how lawyers manage their clients and/or witness’s identities inside and outside of the courtroom and effect this has on the attorneys. The data will then show how storytelling presents conflicting realities in the courtroom and it is through the connections built that the intended audience will choose which reality to participate in, resulting in a verdict.

This topic is personally important to me because I was raised by two lawyers. I have seen their backstage behavior, how they prepare a case, and how their client’s identities could be transferred to my parents when they are trying to portray them in court. I already have some knowledge as to what occurs in the courtroom as far as presenting a case, but through this research, I better understood the different roles and expectations attorneys must manage.

I will approach researching this topic using ethnographic research methods. I will conduct observations in a criminal misdemeanor courtroom that is open to the public in which I will be an onsite non-participant observer. I will also collect data through in-
depth interviews with criminal lawyers, both prosecutors and defense attorneys. The combination of observation and interview data will allow me an insight into the front stage (courtroom) and backstage (preparations for a case) behaviors that attorneys utilize in presenting a case.

**Literature Review**

Everyone has a role to play in the dramaturgy of the courtroom. My study focuses on the intertwinement of identity management and storytelling in the lawyers’ enactment of their professional identity in the courtroom. It also examines the way lawyers enact not only their own identities but also their responsibility to portray their clients’ identity in the courtroom using impression management, storytelling, and narrative.

**Legal Dramaturgy**

The lawyers become actors performing a show for their audience. In this case, a judge and/or jury. In “the theatre of the courtroom” (Levenson 2007), all the characters have a role to play. The prosecution and defense are the directors, constructing their stories and narratives to depict the evidence of a case (Flower 2018). The judge and jury are the audiences the lawyers are trying to connect with to ensure that their side of the case wins.

Goffman’s theory of dramaturgy states that we want our performances to come across as natural and authentic to who we are (Hewitt and Shulman 2011). Before a lawyer can assume their character portrayal in the courtroom, they must first decide
who they are in regard to their professional identity. These roles are approached with the idea that the role will be separate from the individual (Bliss 2016).

**Role Expectations**

These role expectations change depending on who they are performing for at the moment—their clients, their colleagues and peers, and the court (Wardell and Wood 1956). For clients, lawyers must present themselves in a manner of certitude. They are expected to manage the uncertainty of their client and their client’s emotions (Flower 2018). Hewitt and Shulman describe role taking as the process in which an individual “imaginatively occupies the role of another” (Hewitt and Shulman 2011). Defense lawyers must be able to understand the perspective of their clients to effectively and genuinely represent them in the courtroom. They have the responsibility of portraying their role as lawyer and the identity and emotions of their client. To be able to do this effectively will give the attorney credibility with their client (Flower 2018). Prosecutors have the same responsibility to their witnesses, especially if a witness is the victim of the crime the defendant is being prosecuted for. Attorneys are also expected to treat colleagues, whether they are on the same side of the law or not, with respect and a sense of friendliness (Wardwell and Wood 1956).

**Impression Management**

Lawyers will use impression management strategies to manage the audience’s impressions and reactions to their varying roles (Hewitt and Shulman 2011). Goffman talks about various aspects of impression management, one being identity negation. Identity negation explains that before an interaction can be successfully played out the
actors must first agree about the sort of situation they are in and the role each is to play (O’Brien 2011). This is true for the different interactions a lawyer has in their job, inside and outside of the courtroom. For example, a lawyer projects their professional identity as being extremely knowledgeable of the legal world and how to navigate it to prospective clients. The client then decides to accept that projected identity and hire the attorney or not. Prosecution and defense attorneys must also publicly agree to represent the people and the defendant in the case.

Language

Language is an essential element in the way humans present themselves to others. “Language is not only a reflection of context, roles, attitudes, and relationships; perhaps more significantly, it is an important element in the creation and negotiation of social structures, institutions, and relationships (Bogoch 1999)”. The courtroom is where a character is portrayed for colleagues, judges, juries, and clients using professional language (Bogoch 1999). Language is also a means for the lawyer to present his or her interpretation of the evidence. It allows them to present the evidence in any style they believe will have the greatest impact. (Conley, Barr and Lind 1979)

One of the most important aspects of language in the legal process are those related to storytelling and the ability to take a story out of context and retell it in a new context. This changes the importance of “what is said” to “how it is said”. (Eades 2012)

Storytelling & Narrative

Lawyers must take disjointed, inconsistent information from a variety of witnesses and transform it into a narrative that will connect their side of the law to the
audience (the judge and/or jury). The ability to craft a story and create a narrative out of the evidence helps establish the client in the most favorable light. (Havener 2005) Narratives influence people to establish empathetic and emotional connections to elements of the story, including the characters. The more the audience is transported the higher chance their attitude and belief will change in response to storytelling. (Mazzocco and Green 2011) “Narratives do not simply recount happenings; they give them shape, give them a point, argue their import, proclaim their results (Brooks 2002)”. Narrative allows one to share an experience with an audience and in doing so creates a “self” (Riessman 1993) The process of storytelling and narrative, therefore, allows the actor or presenter to create vital links with the audience they chose to share their story with (Atkinson 1998)—it creates an emotional bond. The greater the real-world emotional reactions the audience has to the characters in the story, the more persuaded they will be by it (Mazzocco and Green 2011) allowing the lawyer’s story to be more meaningful than opposing counsel.

**Reality Construction**

Narrative allows one to construct a social reality (Brooks 2002) and by allowing the evidence (or the ‘facts’ of the case) to take many forms (Hosticka 1979) the court welcomes different versions of realities into the setting—a setting that is bound by rules, traditions and various rituals (Funnell 2008). Truths and facts are socially constructed and the way they are produced and represented in a courtroom allow attorneys to present alternative representations of reality (Funnell 2008). “Society is only ‘real’ and ‘objective’ in so far as its members define it as such and orientate themselves towards the reality so defined (Carr and Kemmis 1993).” Storytelling and narrative allow
attorneys to shape the definition of reality and therefore create a reality they find most desirable (Hosticka 1979) in hopes their intended audience will also find it the most desirable.

Gaps in the Literature

The literature depicts these varying aspects of being a lawyer, but there is a gap in the fluidity of these components. The courtroom is a dramaturgy with strong role expectations for the actors. These various roles are enacted and portrayed through impression management in which language is a tool. What is unique about this particular dramaturgy is the expectations for the main actors to take on multiple roles—that of their professional identity, the courtroom lawyer, and that of their client (or witness). This can only be done effectively with the use of storytelling to construct a narrative that will connect the actors with their intended audience (the judge and/or jury). My research hopes to show how each of these components relies on each other in the theater of the courtroom and the actors that inhabit it. If one element fails, the entire structured reality will crumble.

Typically, this type of data is collected through ethnographic means. Most researchers in the above-mentioned studies collected their data through a mixture of observations and interviews. Observations were usually done in the courtroom setting and researchers used field notes to collect data. Researchers interviewed mostly lawyers, but some also focused on clients, witnesses, and jurors to highlight their research topic.
Ethnographic Methods

My research’s focus is to learn how lawyers present themselves, their clients, and their arguments in a courtroom setting. I used ethnographic methods (observations and in-depth interviews) to collect data. I was an onsite non-participant during the observations and changed to a participant for the interviews.

I chose to observe a misdemeanor courtroom in a small Northern California town. The judge presiding in this courtroom (Courtroom A) is my father. This connection did provide me some behind the scene knowledge and he was a gatekeeper that perhaps allowed me access to richer data. However, his courtroom is open to the public and I did not use this connection to get any special access or privileges to the setting I was observing.

I decided to observe a misdemeanor criminal courtroom over all others because of two main reasons. One, typically the misdemeanor courtrooms have the most volume coming in and out on regular basis, allowing me to observe more cases in a limited time period. Two, the issues typically heard in a misdemeanor courtroom aren’t ones necessarily tied to some heavy emotional context (i.e. rape, murder, assault, etc.). I believed that while the cases may be harder to try, more stressful, and more serious, it will require more challenging aspects of storytelling for the lawyer to present a case that doesn’t have the same immediate emotional pull a typical felony case may have.

My observations lasted about an hour, with a few exceptions. There were a few instances when court concluded earlier than I expected. During observations, I would take jottings in a small notebook. As soon as I left the setting I would translate my
jottings into field notes (Appendix B). I tried to do this as soon as possible so that my memory was still fresh, allowing me to provide more detail.

Despite the ease of access to my setting, there were a few obstacles I had to deal with. The first issue I came across was the fact that most of the attorneys presenting cases in Courtroom A knew who I was and that the presiding judge was my father. This made me stand out in a room full of random people. It was obvious that I was in the courtroom taking notes, but they did not know why. Some had asked me if I was studying to be a lawyer. I would explain that I was a student of sociology without going into any details about what my purpose was in the courtroom with a notepad.

The other obstacle I faced was the connection and knowledge I already had on the setting and the attorneys prior to this research project. This was a double-edged sword because it helped in selecting people to interview, but also made it harder to avoid coming into the setting without preconceived notions. I grew up around most of the attorneys and had heard what my father and my mother (a local attorney) thought of these attorneys. I was afraid I wouldn’t be able to be as objective as a researcher without this prior connection. However, because I recognized this issue early on, I became hyper-aware of any biases I might be drawing from certain interactions or performance in the setting.

I completed several hours of observation before beginning interviews. Once interviews began I knew that my role as a non-participant observer would transition more into a participant observer. I decided when I approached attorneys to ask for an interview that I would be transparent about the themes surrounding my research.
question: how lawyers present themselves, their clients, and their arguments in a courtroom setting.

The first few interviewees I chose were chosen primarily because of ease of access facilitated by a gatekeeper. They were attorneys that my mother knew on a personal level. All attorneys interviewed practice criminal law and have appeared in Courtroom A. I wanted to have the perspective and data from both prosecutors and defense attorneys to see how these different roles were managed. I wanted to ensure that I had a diverse sample and made sure to choose participants of both sexes. My sample does lack ethnic diversity, but that is due to the location’s demographics. I also chose several lawyers who have been both prosecutors and defense lawyers during their career. I believed that because of having experience on both sides of the law, they might have a different approach or understanding than those who have always practiced on just one.

I reached out to possible interviewees through email. My initial message would include what the research topic is, why the research is being done (senior project for Sonoma State University), who I am in relation to the gatekeepers, and ask if I could set up a time for an hour-long interview. Typically, interviews were conducted within a week of the initial contact.

I chose to conduct the interviews in the participant's offices, allowing us maximum privacy. It also allowed them to stay in a setting they were comfortable in while giving me access to a setting that might give me more insight into their professional identity.
I would start interviews by introducing myself and explain the purpose of the research. I would then ask for permission to record the entire interview, explaining that the only people who would have access to the interview were myself and my professor. None of the attorneys had any issues or hesitations about being recorded. The interviews were recorded on my cell phone and immediately uploaded to my Dropbox after each interview. I am the only person who has access to my Dropbox account, ensuring the safety and confidentiality of the participants. All interviews were then transcribed (Appendix C).

The interviews were semi-structured. I used an interview guide (Appendix A) primarily but would also add questions based on the participant's responses. This allowed me the flexibility for more specific data based on the individual participants.

The first participant I interviewed was someone I was very familiar with. I chose to interview them first because I knew I could ask them for honest feedback after the interview. When it was completed they helped me restructure my interview guide and contributed questions I would not have originally thought were important. The following interviews were much richer in data as a result.

I would begin the interview based on my interview guide, starting with easy basic questions. For example, how long have you been a lawyer and how long have you been practicing criminal law. Then I would move to a few questions more focused on why they became a lawyer and why they chose prosecution or defense law. If the attorney had experience in both areas of law, I would ask which one they enjoyed more and why.
The next series of questions focused on how the lawyer perceived themselves in the context of their role as a lawyer. I would ask about their greatest strengths and weaknesses. One question that yielded rich data was asking about what case they believed was their most identifying and how it helped define them in their professional role. This question allowed me to see what was most important to the lawyer in the context of how they wanted to be viewed in their role.

I focused the next series of questions on how the attorneys would prepare and enact their roles in the courtroom. This was followed by asking what role storytelling took in their performance. The last line of questioning focused on how the lawyer interacted with other actors in the setting, such as opposing counsel and their clients.

Every interview ended with me asking the participant if they had anything else they would like to share, or they think I should know. Many times, this was the most important question out of the entire interview.

Going into this research project I thought I would get more data from observations rather than interviews, but I think both were equally insightful. I think because of my connection to my gatekeepers it allowed me access to more openness and data-rich interviews. The participants knew who I was and there was trust in the relationship already because of my connections. I was a little fearful going into the interview process that my connection might have the opposite effect and the participants would be withholding of information out of fear that it may not be confidential from my father who is a judge in a courtroom the attorney's present cases in. However, I always started my relationship with the participants by ensuring complete
confidentiality and I believe that solved any issue that could have risen from my connections.

Data Analysis

The purpose of this research is to understand how the definition of the situation is changed through an attorney’s self-presentation and representation of their client. The research in this project was done using inductive logic. Data was collected first and through the data, I determined patterns and relationships allowing me to establish a theory.

The first step in the process was to analyze all the data collected and find themes and commonalities. I used a combination of a priori coding and open coding to help connect themes throughout the data. A priori coding allowed me to use topics I discussed in the literature review to find commonalities between different sets of data and open coding allowed me to discover additional organic themes. These two types of coding offered insight into how themes connected with each other in application to the real world.

I established a coding guide to help the process and allow me to define each code. The codes that originated from the literature review are dramaturgy, role expectations, impression management, storytelling and narrative, and reality construction. Themes emerged from open-coding include emotional and lifestyle effects of a case on the lawyer, client-lawyer interactions, and connections established in the courtroom.
My coding process involved two methods. First, data was highlighted different colors based on the coding guide to connect them to a theme. Second, a memo was added to help establish and understand relationships and connections between different themes.

Once all the data was coded it became evident that not only do these themes have a relationship, but it is the relationship between them that allows an attorney to define the situation as they want it to be seen. It is through a lawyer’s representation of themselves and their client using impression management and storytelling that allows them to construct their version of reality in the dramaturgy of the courtroom. This is done in hopes that their intended audience will decide to agree with their version of reality over the opposing counsel's version, allowing it to be established as evidence and factual.

There are three stages in this process. The stages are fluid and must interact and connect with one and another for the process to be successful in establishing the definition of the situation.

**Attorney’s self-presentation**

The first stage begins with the attorney and the representation of themselves in and outside of the courtroom. The data shows that lawyers believe the two most important qualities they must display are integrity and honesty. These are the foundation everything else is built upon. One lawyer describes why integrity and honesty are crucial to her as a lawyer:
You don’t have integrity, you have nothing...So your word means everything. And so I felt that my integrity above everything else was more important than any case or any pride issues, you know, if-and so that’s what I focused on and that’s what I continue to focus on is integrity. Because if you don’t have integrity, you can’t get anywhere in this business, you know. The judges won’t listen to you. Uh, if you’re a prosecutor, the defense will cause your life a living hell. Um, if you’re the defense, the prosecution will cause your life a living hell {laughs}. So it really is first and foremost, the most important character trait that you have to maintain is your integrity. (Caren, Interview 004, 3.21.2018)

A second lawyer further explains:

...that’s why honesty is so important because when I say something in the courtroom I want the judge to know I’m telling her either the truth or the truth as I see it based on my opinion. (Emily, Interview 005, 4.2.2018)

The data also shows that lawyers must have a strong ability for reading people and making a connection with different audiences. Honesty and integrity play a role in being able to establish a connection, but the lawyer must be able to read people in order to understand what the audience is wanting. One attorney explains that her ability to read people allows her to tailor herself and her case in a way that is most likely to make a connection with the intended audience:

...being able to, uhm, read the people on the jury to know what was going to be important to them, uhm personally, uhm, and also presenting cases to-to judges—not just juries, but being able to, uhm, read the tone of the court, being able to take information that I know about particular judges from sitting in their courtrooms or from, uhm, biographical information that’s publicly available, uhm know what was going to interest them, what they would think was important and then being able to tailor arguments to that kind of information. (Alice, Interview 001, 2.26.2018)

An attorney may present themselves differently inside and outside of the courtroom. One prosecutor explains how she changed her identity while presenting a case to get a certain reaction out of the defendant:

I generally am not confrontational in my personal life. I don’t pick fights. I’m usually the fun one. Uhm, but today after I got done with that defendant and
getting him angry enough to fight with me, uh, I had another defense attorney, that I like very much, come up and said, ‘Wow, I haven’t seen that Anna in a while’, and it’s kind of like, you know, I don’t let her out… (Anna, Interview 002, 3.20.2018)

It is through Anna’s changed presentation of self that she was able to depict the facts of the case as she saw them. Anna presented herself as a confrontational woman, a “bitch”, forcing the defendant to abandon his frontstage behavior for his backstage, so the judge could see the reality the defendant’s victim (Anna’s client) saw—an angry, aggressive, and abusive man.

All attorneys are expected to have these qualities, but there are some differences in expectations between prosecutors and defense attorneys. Stereotypes of who they must be and how they should present themselves in the courtroom and to their client help dictate these expectations. Anna describes a conversation with the District Attorney, her boss, about how she should want to be viewed as a prosecutor:

E____ says, my boss said something to me one time about, you know, if you’re a victim do you want the nice person representing you and it’s like, no. I want the kick-ass person representing me because I am really angry about what happened to me. (Anna, Interview 002, 3.20.2018)

Another attorney describes how he views his role as a defense attorney:

…I think it’s being a voice for people who can’t speak for themselves. (Ryan, Interview 003, 3.22.2018)

The first step in the process of defining the situation in the courtroom context begins with the attorney and how they represent themselves. It is a continual process that is constantly changing depending on the circumstances, the audience, and the case, but it is the foundation the other two stages are built upon.

Client Representation
The next stage is the attorney’s representation of their client. For the defense, this means the defendant, but for the prosecution, it includes their witnesses, the victims, and the people of the State of California. In order to represent the client, the attorneys must take on multiple roles. Anna says:

I mean a lot of times I feel like I’m a doctor, you know? I-this bad thing has happened to them and a lot of times they did ask for it and the now have to go through a process and-and I help them through that and I explained to them what the pros and cons are and we-we make a decision and we get through it. (Anna, Interview 002, 3.20.2018)

Another attorney describes how he feels like a translator:

I think it’s being a voice for people who can’t speak for themselves…you’ve got to translate between worlds…So I guess it, I think, it has to do with communication and finding a commonality. At times I feel more like a translator than anybody else. (Ryan, Interview 003, 3.22.2018)

Ryan must become a translator and take his client’s stories and present them in a way that the judge or jury will make a connection with and find believable. This is in large part why it is crucial for attorneys to represent themselves as trustworthy, honest and full of integrity. Their client’s stories will be translated through the lens of their attorney’s reputation. I observed a case in court where this was extremely evident:

Mr. K [a Public Defender] is asking for an extension on the date his client has to turn himself into the jail. He explains to the judge that his client is caring for his elderly mother. The judge grants the extension…tells the defendant that if he needs another extension after this…the court will need proof from a doctor, but this time the judge will take Mr. K’s word for it [italics added]. (Courtroom A, 4.16.2018 9:06a)

It is only because Mr. K has built himself a reputation as an honest attorney that he is allowed by the judge to present himself as evidence for his client’s story.

This responsibility isn’t always an easy one for attorneys to carry out. Most of the attorneys I interviewed describe how emotionally attached they get to their clients and
how that adds more pressure on their shoulders to present their client’s stories in a way most likely to connect with the intended audience. One attorney describes how his clients’ emotions carry over to him:

I’ll have a crazy client and for an hour I’m feeling kind of crazy or I’ll have a sad client and for an hour I’m feeling kind of sad…A difficulty I have is turning off that switch, trying to find that line between {sighs} you certainly want to hear where they’re coming from, you want to represent them but you don’t want to get so tied up in their drama that you’re just another dramatic actor. (Ryan, Interview 003, 3.22.2018)

Another attorney explains:

…I think about them all the time and that’s part of the, you know, stress level is that I’ll lay in bed at night and like, you know, and they’ll all go through my head…I mean I’m thinking about my cases because I care about them, you know, and I care about my clients and I care about the people that are involved. (Emily, Interview 005, 4.2.2018)

Many of the attorneys I interviewed talked about having to be careful not to become part of their client’s stories and drama. When representing a person or case in court it isn’t about the attorneys. They are just the vessel that presents their client’s version of reality hoping it is the one that has the most impact on the target audience.

It’s not about you, at least as a prosecutor. It’s not about you, really. It’s about the case…Get out of the way of the case. (Caren, Interview 004, 3.21.2018)

Another attorney explains why he wouldn’t use personal stories into the courtroom to help build a connection to a client’s narrative:

…I have personally never used something from my life to bring it into court. That’s not a tactic that I think I would ever use. I don't like making myself be part of the story. I think that myself as a prosecutor and myself as a defense attorney, I-I want the jury to focus on the defendant and then depending on if I'm a prosecutor, I'm sorry if I'm a defense attorney, the-the actions of the police and or the DA’s office. I don't want to make myself the story. (Mike, Interview 007, 4.19.2018)
Presentations of alternative realities using storytelling

It is through attorneys' representation of themselves and their clients that they begin to weave together a story for their audience to become involved in. They have started to include their audience in the story creating a version of reality hoping to ensnare the audience into believing their viewpoint.

...being able to recognize that there's usually more than one side...nothing is as black and white as people would like to think and there's good people that do bad things, there's bad people that do good things and being able to recognize that and look at things more objectively, uhm, helps me in what I do even though once I get into the courtroom, uhm, I'm presenting a very subjective viewpoint...(Alice, Interview 001, 2.26.2018)

It is through this presentation that an attorney begins the real work of making a connection with their intended audience. Storytelling allows attorneys to present complex and complicated issues in a way that a person without legal knowledge can understand. It allows attorneys to put together the evidence and the circumstance of the crime and give them meaning—a context. Once the presentation has meaning, then the audience can connect with it. This connection will make the presented reality much more believable.

You could present a bunch of facts and they don’t mean anything but if you can tie them into a story then they’re gonna have meaning, and a purpose, and a reason that you can identify with...if you can turn it into a story, something even better say a joke, something that has an emotional content to it, then people identify it and go, okay I’ve been there, I’ve done that. So you’ve pulled them into a mode where they’re in the position of your client. (Ryan, Attorney 003, 3.22.2018s)

The more the attorney can find a way to make the audience identify with the story, the higher the chance the jury will believe that to be the reality of the case. One attorney talks about how hard it can be for jurors to understand how a child can recall specific details about being molested months and sometimes years after the event. In order for

Courtroom Drama: Presentations of Reality Using Storytelling

Kendyl Saxby
the jury to understand and connect with the story, the attorney would tell the story of events we all have a personal connection to.

…when I’m doing my closing argument I say…where were you when the Twin Towers were hit or where were you when you heard about …whatever national disaster you want to pick and pretty much…the person can tell you, I was standing in my living room or I was driving the car or I was doing this or I was doing that and if-if they think about it they can tell you. (Anna, Attorney 002, 3.20.2018)

There is a lot of legal jargon used in the courtroom that most laypersons would not understand. It can make it hard for an audience to understand the situation in the courtroom, much less the situation of the case. One attorney explains that by presenting the narrative in a new way it can help the audience understand:

…there’s a lot of things that are kind of hard to understand sometimes, but when you kind of put it in a different way for storytelling…it kind of helps them understand things… (Anna, Attorney 002, 3.20.2018)

Typically the easiest way for an attorney to try and persuade the jury or the judge to believe their version of reality is through an emotional connection. One attorney describes a time she used storytelling to get what she wanted from a judge in terms of sentencing on a client:

…in order for me to get what I got from the judge, I had to tell the story of him [her client] going to, you know, the desert, you know, being in the Marines. I had to tell that story. And if I hadn’t told that story he would not be where he is at today. So storytelling is all about where our argument comes from and our perspective. (Emily, Interview 005, 4.2.2018)

It is through the attorney’s presentation of their client’s perspective that they hope to gain the title of factual; of reality.

Theory about identity and biography
Attorneys in the courtroom present opposing versions of realities and it is the judges and jurors responsibility to choose which reality they wish to be part of. In order for the attorney to present the chosen version of reality, they must first present themselves as someone who is trustworthy. It is through this foundation of trust that they can then build their clients (being the defendant, witnesses, or victims) stories into a believable reality. The story must also have a connection that makes the audience want to believe that version over all others. Therefore it is important for an attorney to have the ability to understand what their current audience is most likely to connect with. This process of changing the definition of the situation in the courtroom setting is a constant flow—one aspect of it relies on all the others. If one stage in the process falters it is likely the entire production will crumble and the reality will no longer be credible.

Discussion

This ethnographic study collected data from observations in a misdemeanor courtroom and in-depth interviews with practicing attorneys to answer the question: how is the definition of the situation changed through an attorney’s self-presentation and representation of their client. The data shows the relationship between the attorney’s role expectations and impression management of themselves and their client(s) with the story they present in the courtroom for the purpose of defining the presented reality. It is through the relationship between these elements that allow the attorney to connect with their intended audience in hopes of convincing them to believe their presented reality above anyone else’s.

In Goffman’s theory of dramaturgy, he explains the actor’s need to come across as natural and authentic (Hewitt and Shulman 2011). My data shows how important that Courtroom Drama: Presentations of Reality Using Storytelling
Kendyl Saxby
is in the context of the courtroom. Before a case can be effectively presented in the courtroom the attorney must present themselves and if they do not present as genuine they will not connect with their audience. The entire case must first be built on the lawyer’s reputation and presentation of self.

Another study expands on Goffman’s theory, stating that the actor's role expectations can change depending on who they are performing for at any given moment (Wardell and Wood 1956). My data supports this theory. The attorneys must wear many hats in and out of the courtroom. This is usually first displayed in interactions with their clients. Attorneys often have to take on roles outside of what is commonly expected of them. They often have to become not just an advocate, but also a therapist, mediator, and translator. It is through translating their client’s story that a reality begins to be presented to the audience. The stronger the connection the attorney can build with their audience the more likely they will begin to believe it (Mazzocco and Green 2011). Every attorney I interviewed explains the importance storytelling has in the courtroom and in building a connection to their audience. It is the final step in presenting their version of reality in hopes it will become the group’s reality too.

My data collection did have some limitations that must be noted. First, due to time constrictions with my schedule, I was not able to observe any opening or closing arguments. There are several studies that believe opening and closing arguments to be the time when storytelling’s power really becomes evident in the courtroom. Another limitation of the setting was the size of the town the data was collected from. A study of a legal community in a small town will not necessarily translate to a legal community in a metropolitan area. The lawyers in this community all know each other on a very
personal level, many of them being close friends even if on different sides of the law. They also have a much more personal relationship with the judges presiding in the community. This type of relationship between colleagues may not be as common in a bigger area. The location of this study also lacks diversity with a mostly white demographic. The only limitation in the interviews was that I did not get an interview with any Public Defenders, though I did observe them in the setting on several occasions.

This study can help us better understand how storytelling connects people and the power this connection has to change the defined reality. This study focuses how this happens just in the courtroom, but it is a theory that can be applied to the social world. It helps explain how humans connect with one and another. This study also shows how important one’s reputation has on their presented story. The audience is much more likely to believe the story if they believe the storyteller is genuine and honest, without those traits the story will fall flat.

The legal community can also benefit from this study. It will give attorneys insight on how to present a case in a way that will most effectively benefit their client. It also shows them how important it is to make a connection with the judge and jury when presenting a case. This study can also help jurors make more informed decisions on cases by understanding the role attorneys and storytelling take in the courtroom.

Further research can expand on how vital connections are when presenting a case, the types of connections made during the legal process, and how to connect with an audience of multiple people (such as a jury). My data touches on these subjects, but further research could expand on these topics. Another hole in the research that could

Courtroom Drama: Presentations of Reality Using Storytelling
Kendyl Saxby
allow more insight into understanding the legal system is the client’s role in defining the situation in the courtroom. Further research can also look into how storytelling can connect others in different fields, such as the education system or people across cultures. It is an intimate process telling your story and perhaps even more intimate to tell another’s story. In my study, this allowed attorneys greater perspective on their client resulting in an emotional bond. This could be applied to help bridge cultures and communities that don’t have a clear connection. The process of storytelling is perhaps more important than the actual story itself.
References


Appendix A

Interview Guide

Introduction:

Hi. Thank you for taking the time to share your thoughts with me today. This interview will take up to 60 minutes. I am researching the topic of identity. Most specifically, I am interested in what it is like to argue a case in court. The information you share with me will be kept confidential. I will change your name and the names of all the people and places you mention when I transcribe this interview. The entire transcript will only be read by me and my Professor at SSU.

1. How long have you been a lawyer? *(Maybe add to survey instead)*
2. How long have you been practicing criminal law? *(Maybe add to survey instead)*
3. Why did you decide to be a lawyer?
   a. Was there a defining moment in your decision to become a lawyer and if so can you describe it?
4. Why did you go into prosecution instead of defense law?
5. What qualities to do you think a good lawyer should have?
6. Tell me about the most important thing to you about being a lawyer?
7. Tell me about some of your greatest accomplishments as a lawyer?
8. Can you tell me about the most identifying case in your career that helped define you as a lawyer?
9. Tell me about your perceived biggest strengths as a lawyer?
10. Tell me about your perceived biggest weaknesses as a lawyer?
11. How do you manage a typical caseload?
12. How does storytelling help in the courtroom?
   a. Can you give me some examples?
13. Do personal experiences outside of the courtroom help you with the storytelling process in the courtroom?
   a. Can you give me an example?
14. Do you present a case differently when it is in front of a jury versus a judge?
   a. How do you present it differently?

Courtroom Drama: Presentations of Reality Using Storytelling

Kendyl Saxby
15. Do you find jury trials more stressful than a case presented in front of a judge?
   a. How do you manage the stress of a jury trial?
   b. Is it still as stressful as when you first started?
      i. If not → What has helped you lessen the stress?
16. Tell me about the most difficult aspects of arguing a case for you?
   a. What makes them more difficult?
   b. Can you give me a specific example?
17. Tell me about what you enjoy the most about arguing a case?
   a. Can you give me an example of a case you really enjoyed arguing?
18. How do you feel when arguing your case in the courtroom?
19. What do you believe are some components of a strong argument?
20. How do you prepare for an argument?
   a. Do you practice your argument outside the courtroom before you use it in the courtroom?
   b. How do you feel when you are preparing for a trial?
21. How do you feel after the case is over?
22. How do you interact with opposing counsel when in the courtroom?
   a. Does that differ from when you are not in the courtroom?
      i. Can you give some examples?
23. How do you interact with the judge when in the courtroom?
24. How do you interact with the defendant when in the courtroom?
   a. Does that change when outside of the courtroom?
      i. Can you give an example?
25. How do you prepare a witness before entering the courtroom?
   a. Can you give some examples?
26. How do you interact with court staff such as the clerks and the bailiffs when in the courtroom?
27. Is there anything else you would like to add or that you think I should know?