

Lawyers learn to share their pain with jurors

They use a technique called psychodrama to connect better by showing vulnerability.

By Jessica Garrison, Times Staff Writer

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CARLSBAD — The lawyer stood sobbing in the center of a darkened hotel conference room, ringed by dozens of other personal-injury lawyers.

As the attorney recalled the final moments of his mother's life, his voice cracked and his body shook with repressed grief. And all around the circle, the lawyers watching him also began to weep.

Then the others began to make their own confessions: "My parents died ...," one began, his voice husky with tears. "I was disconnected from my father ...," another said. "All of a sudden, I thought about my mother ...," a third added.

In the corner, Jude Basile, a tall, charismatic attorney in black jeans and black cowboy boots — a diamond ring on one finger — nodded approvingly.

Basile is a trial lawyer specializing in wrongful-death and personal-injury lawsuits. He also is a proponent of psychodrama, a group therapy technique that is becoming increasingly popular among lawyers — particularly those who sue big businesses and corporations — as a way to prepare for trial and connect with a jury.

Basile and his mentor, lawyer and author Gerry Spence, say the technique helps attorneys become better people. Proponents also contend that it can help them persuade juries to award millions of dollars to their clients — about 40% of which typically goes to the lawyer.

Psychodrama, in which participants gain insight by acting out scenes from their own lives, was developed by Romanian-born psychiatrist J.L. Moreno, who brought it to the U.S. in the 1920s.

Though it has waned in popularity among psychiatrists, Spence, well known for winning cases on behalf of Karen Silkwood and Imelda Marcos, became convinced that psychodrama had great benefits to lawyers.

He made it a centerpiece of his Trial Lawyers College, a three-week summer symposium founded in 1994 and held at his ranch in Wyoming. The program became so popular that Spence also began holding weekend seminars at resorts around the country.

Some lawyers swear by it.

"It gets very powerful, very emotional," said Eric Dubin, an Orange County attorney who credits the technique with helping him win a \$30-million wrongful-death verdict last year against actor Robert Blake on behalf of the children of his dead wife, Bonny Lee Bakley.

In his closing argument, Dubin took the unorthodox stance of apologizing to the jury for missteps he made during the trial — a move that jurors later said they appreciated. The decision to say he was sorry, Dubin said, came right out of his psychodrama training: "Until you learn to show your vulnerability, the jury is not going to understand you."

Other lawyers are less enthusiastic.

Edith Matthai, immediate past president of the Los Angeles County Bar Assn., said using psychodrama techniques to "make the jury sympathetic" to the client are "appropriate," but other uses — speaking to dead people as if they were in the courtroom — go "over the line."

On a recent Friday, more than three dozen lawyers, curious about what psychodrama techniques could do for their courtroom performances, spent a day in Basile's course. It was offered as part of a Consumer Attorneys of California conference near San Diego.

After participants had arranged their chairs in a circle, group therapy-style, Don Clarkson, a therapist and trial consultant, asked the lawyers to stand up.

Then he ordered the attorneys, most of them in the professional leisure uniform of khaki pants and polo shirts, to walk slowly about the room, looking deep into each other's faces but not saying a word.

Obediently, they swirled across the carpet, circling like khaki fish in an aquarium.

"This reminds me of the '60s and '70s in Berkeley," John Robinson said.

In minutes, his bravado had been transformed to tears.