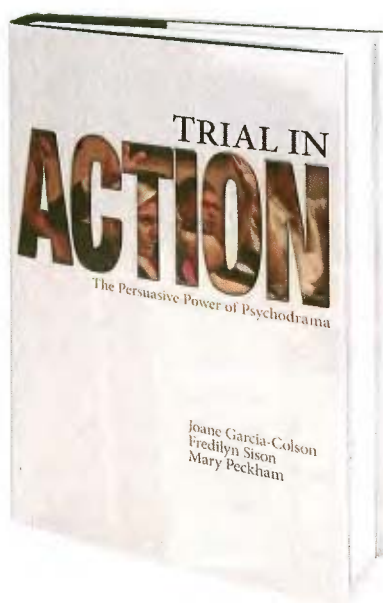




books]



“**THE AUTHORS
ADVOCATE**
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What Role-Playing Can Reveal

Sun Tzu teaches in *The Art of War* that to win consistently, you must know your opponent as well as you know yourself. Psychodramatic technique—a method of group psychotherapy based on “action” in the form of unrehearsed dramatization, role-playing, and dramatic self-presentation that was developed by a contemporary of Sigmund Freud’s as an alternative to psychoanalysis—allows you to discover not only who you are but why you are the way you are. Similarly, it fosters a deeper understanding of your adversary, thus helping the trial lawyer fulfill both prongs of Sun Tzu’s stratagem.

Hence the title of the book *Trial in Action: The Persuasive Power of Psychodrama*, by Joane Garcia-Colson, Fredilyn Sison, and Mary Peckham. The book ably explains the psychodramatic method in clear and simple terms, and the authors apply it to all phases of trial, giving concrete examples of its potential effectiveness in voir dire, opening, witness examination, and closing.

Psychodramatists posit that reenactments of profound events, unfinished situations, and inner dramas help us externalize our mental processes. This technique fosters spontaneity and creativity, facilitating lucid insights and discovery of new approaches—psychodrama’s ostensible goals as applied to litigation.

The authors advocate psychodramatic technique as a means of uncovering the client’s story and conveying it so vividly “the jurors feel as if they are actually there to experience the event as it is happening.” The client’s story is akin to the vitally important case theme, and the authors devote full chapters to conceptualizing and telling your client’s story. But uncovering and understanding the story is at the core.

One concern I have with the authors’ approach is that many trial judges would likely constrict or outright reject the use of some suggested trial techniques. For example, only the most enlightened trial judge would permit direct examination in which plaintiffs testify, in dramatic role-reversal, about defendants’ inner motivations for their misdeeds.

Nevertheless, *Trial in Action* is well worth reading. It makes an otherwise arcane topic accessible and renders psychodrama practical, supplying trial lawyers with a useful tool in their arsenal of advocacy. After all, the book points out, “Trial lawyering is as much an art as it is a skill. Familiarity with and mastery of many disciplines improves not only your effectiveness in the courtroom, but your satisfaction as a professional and as a human being.”



Kenneth J. Allen is a principal in Kenneth J. Allen & Associates, which has offices in Illinois and Indiana.

Trial in Action: The Persuasive Power of Psychodrama

Joane Garcia-Colson,
Fredilyn Sison, and
Mary Peckham

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Kenneth J. Allen