

# USEFUL SCIENCE FOR ATTORNEYS AND MEDIATORS

By **David D Stein**

Part of the art of being a trial lawyer is to effectively “woodshed” a witness before they take the stand. This colloquialism, in this context, means to spend some one-on-one time with the witness and make certain they have their story straight and that they understand how exactly the lawyer will be eliciting their testimony. Every experienced attorney will tell you stories about the anxiety, panic and even nausea that the prospect of getting on the stand engenders in some people.



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Lawyers, from the ancient beginnings of juris prudence to the present day when faced with the un-empowered witness pull their hair, gnash their teeth and lament aloud, “If only there was something I could do to help this person and our case! Also, it should be ethical and not involve illegal performance enhancement drugs.”

Now, I am pleased to inform you that there is indeed simple, effective, low-cost, legal and ethical help for the afflicted. Social Psychologist and Harvard Business School professor Amy Cuddy has done some very enlightening research. Her work makes it clear that not only does our body language communicate to others, it shapes who we are. If a witness adopts the posture she recommends for the ridiculously short period of 2 minutes, that person will experience a profound change in body chemistry.

Testosterone is known as the dominance hormone, associated with confidence and assertive behavior. Cortisol is a stress hormone and will undermine a subject’s confidence. If one merely stands as Ms. Cuddy directs, her research shows that you will experience a 20% increase in your Testosterone level and a 25% decrease in your Cortisol levels. These numbers are so dramatic and the time period involved is so short that any pharmaceutical company looking to develop “confidence in a bottle” should probably shelve the idea.

To achieve the desired effect stand up straight, feet shoulder width apart, hands on hips, head high. Hold for 2 minutes. That’s it.

This all may seem too good to be true and, frankly, I am unaware as to what peer review Ms. Cuddy’s work has been subjected. However, she has great credentials and she

eloquently makes her case at a brief and compelling TED talk that I urge you to watch by pasting the link below into your browser. [<https://www.youtube.com/watch?v=RWZLuriQUzE>]

What is more, if Amy Cuddy is correct this is clearly a great deal more than a placebo effect and, importantly, it certainly won't cause any harm and just might give a welcome boost to the needy. The next time you or someone you are working with needs to feel more assertive, confident, comfortable and optimistic, give it a try. As long as the subject is in a private place, there should be no downside whatsoever.

\* David D. Stein has been an attorney for over 30 years, practicing mostly in the area of entertainment law, contract, copyright, trademark and publicity rights. In 2008 he became a full time neutral founding Liaise Divorce Solutions, a company dedicated to the concept of Marital Reorganization® for couples with children. Liaise provides divorcing couples a professional, peaceful, economic alternative to litigation. David and his wife of 33 years split their time between their homes in Piedmont and Incline Village.