

Mastering the Art of Storytelling for In-house Lawyers

Litigation and Dispute Resolution





When asked, "What do you do?" Esther Choy replies, "Storytelling." In response to clarifying questions, she'll go so far as to say: "Storytelling for business." Since most people consider storytelling as a hobby, her initial answer contradicts expectations and acts as a hook to create more

interest and conversation. In some respects, it is an efficient one-word story. The "non-story" version of her job description can be found on the jacket of her book Let the Story Do the Work: The Art of Storytelling for Business Success.

Choy is the founder of Leadership Story Lab, where she coaches managers in the art of storytelling and helps them become more engaging and persuasive. Some might call this “business consulting,” but I was intrigued by its real-world application. So, I spoke with her about using storytelling in nearly every aspect of an in-house lawyer’s job.

Noah Webster: Why is storytelling important?

Esther Choy: Storytelling is natural to us. Just like we need water and air, we need to find patterns, as well as cause and effect to create stories that we experience the world. If you show someone circles, triangles, and lines moving around, he or she will create and see a story (Note: Esther refers to the Heider & Simmel study that’s explained below). From shapes only, and nothing is written or heard, people experience the tragedy of Romeo and Juliet. So, when you use the natural pattern of a story, you are meeting the needs of your audience and making it easy for them to understand you.

People forget facts but they never forget a good story. Why? Processing stories involves the entire brain, and people can’t forget them.

Webster: Tell us more about business storytelling. This is not about weaving Brothers Grimm fairy tales into your writing, is it?

Choy: You use the elements of those stories, but this is not about merely entertaining the reader.

In business storytelling, you use the common elements of a story to package your message and assist your decision-maker. There is a classic three-act formula. Act 1, readers are brought into a scene, they meet the main characters — their attention is hooked. Act 2, the journey where the main character faces and overcomes obstacles occurs. Act 3, the challenge is resolved, and a resolution is reached. In business, the basic plots are rags to riches, origin, rebirth, overcoming the monster, and the quest. At the heart of it, you introduce a hook at the beginning that intrigues the reader and draws interest. A strong hook usually involves conflict, contrast, or contradiction. To get it right, you must think about and understand your audience, as well as what it needs and finds interesting.

You also have format constraints and a defined purpose, usually to inform or seek approval from a decision-maker. This means you may not have space for a full narrative using the classic format. You have to plant your hook quickly and then efficiently resolve it.

Webster: Let’s apply this to what lawyers do. I see lawyers in the courtroom full of stories when talking to a jury, but the storytelling can be forgotten when writing pre-trial legal briefs, especially concerning routine issues. Where do you fit the story and your hook in formal legal writing intended for a judge to read?

Choy: Business managers face this problem as well. People sometimes impose a limitation and present only facts or the requested decision. They fail to provide the hook, in this case, the explanation of “why” a decision should be made. That is, why the decision-maker should care and what they should do about it.

In legal briefs, you are seeking a decision, so there is always a readily available hook related to the

conflict between the parties. The judge will be interested in hearing about “why.” Not only is having a complete understanding part of their job, but like all people, they also engage in a story beyond the baldly presented facts. They will follow you further to see if you can substantiate the “why” you offered.

After you introduce the hook (Act 1), you take the judge through the journey of how you arrived at your requested decision (Act 2). In doing so, you provide context and explain the process and law you used to arrive at the reason why a decision should be made a certain way. Then you conclude with the requested decision, tying it back to the hook and “why” (Act 3).

Webster: That fits with my experience. Briefs tend to be weaker where they spend the first page stating a procedural history timeline or reciting facts. Briefs tend to be stronger when they have a hook such as introducing:

- How the prior procedural history in court or before a federal agency drives the decision;
- The reason why various legal factors line-up in your favor; or,
- How the other party has made inconsistent statements on relevant issues.

Such explanations show the judge where fairness and justice lies and encourages them to act.

But an in-house lawyer deals with more than just briefs. Let’s talk about how storytelling can apply to other parts of the job. Other than using storytelling more in legal brief writing, what opportunities might in-house lawyers be missing?

Choy: Glad you asked this question. I work with heavily regulated industries, and business managers there often feel as if their lawyers lack common sense and only interfere. It doesn’t have to be this way. You can use storytelling to explain the legal issue that requires a change needed to protect the company and employee welfare.

A common format for a story in this situation is Acknowledge-Inspire-Aspire (“AIA”). It works like this:

- Acknowledge: Begin by acknowledging the audience and a challenge they face, this makes them more ready to listen (Act I).
- Inspire: Inspire the audience to consider an alternative solution, possibility, or a new approach instead of the one they intended on pursuing (Act 2).
- Aspire: Get the audience to aspire to a better and shared future based on counsel’s guidance (Act 3).

Webster: I’ve seen this used successfully to initiate new business processes that were initially perceived as inconvenient. Can you provide an example of AIA involving common legal guidance? How about guidance on how employees should report illegal behavior?

Choy: An outline for messaging on this topic could be: “You may second-guess the need to report potential violations of law you encounter — is it my responsibility to say something? What if I’m wrong? Will reporting hurt my career? But speaking up is important. Speaking up is about protecting the whole company — including you — from serious legal consequences. Reporting a potential violation doesn’t mean that the situation will automatically get escalated. The company will assess the situation you identify and will not tolerate retaliation against you for speaking up in good faith. Mark Zuckerburg got a pretty good two-day grilling in front of lawmakers. Let’s make sure our CEO never has to do the same. Let’s look out for each other by speaking-up, it will keep us on top.”

Webster: Where else can stories be used?

Choy: Business leaders use stories all the time: introducing yourself, contributing to a meeting, providing status updates, promoting the work of your team, negotiating, presenting issues for decision, and crisis-response messaging. Really, you can use it in most situations.

Choy's book is chock full of more information. Learn more about it here to discover how you can use storytelling to its full capacity.

NOTES

As described in Jonathan Gottschall's *The Storytelling Animal: How Stories Make Us Human*, psychologists Fritz Heider and Marianne Simmel made a short animated film in the mid-1940s and showed it to people. The film is simple (view it here). There is a big square that is motionless, except for a flap that opens and closes on one side, as well as two triangles and a circle. Throughout the film, the shapes move around the screen. When people watch the film and describe what they've seen, invariably they will tell a story, an allegory on villains and victims. Only three of 114 subjects in the original experiment provided an objective description.

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Noah Webster is chief legal & compliance officer for Everbridge, a global software company that empowers enterprises and government organizations to anticipate, mitigate, respond to, and recover stronger from critical events. In today’s unpredictable world, resilient organizations minimize impact to people and operations, absorb stress, and return to productivity faster when deploying critical event management (CEM) technology. Everbridge digitizes organizational resilience by combining intelligent automation with the industry’s most comprehensive risk data to Keep People Safe and Organizations Running.