

# Speechifying and Scribbling—A Candid Discussion about the “Why” and “How” of Integrating Public Speaking and Presentations into Your Trusts and Estates Career

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For many if not most attorneys, public speaking is an essential part of both successfully practicing law and building a law practice. In 2022, the ABA RPTE Special Committee on Career Development & Wellness presented a three-part series of programs with the goal of providing Section members of all experience levels essential insights into effective and strategic public speaking. As part of that series, a panel of trusts and estates attorneys who are nationally known as successful presenters pulled back the curtain on their processes, wisdom, best practices, tips, and tricks for successful public speaking. The panel discussed strategic use of speaking as a tool for career enhancement, preparing materials, working with co-presenters, dealing with nervousness and stage fright, and maximizing results and spoke candidly about the “why” and “how” of integrating public speaking into a trusts and estates career. Dana Fitzsimons moderated the panel, which included Steve Akers, Terry Franklin, Carol Harrington, and Paul Lee. What follows is a transcript of their conversation. Edits were kept to a minimum to preserve the conversational and collegial nature of the program.

## Introduction

DANA: Welcome, and this is the program on public speaking for trust and estates audiences. I'm your moderator, Dana Fitzsimons, and I'm lucky to be joined by a panel of folks who really need no introduction. So, we're going to skip that part and get on with it, other than to say this. Everyone's really busy right now. Exemptions are high and fragile. Markets are roller coasters. People are scared, and staffing is thin. But when I asked these four insanely busy professionals to give still more time to help the rest of us, they couldn't say “yes” fast enough. And that's just one of the many reasons they are in that echelon of lawyers we all look up to and that we refer to by just their first names. So, it's my honor to

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welcome and thank Carol, Steve, Terry, and Paul for joining us, and I'm looking forward, as I'm sure we all are, to learning from them. And thank you for attending and taking some time to invest in yourself and your career. And to keep things fun, none of us has any idea what the others are going to say.

We're going to be exploring incorporating speaking and writing into your career from every angle—at least every angle we could think of when we put the program together. And I'll speak just this one time for the whole panel and say that speaking and writing have been, for us and many others, a vital part of building successful careers. But before we get into the mechanics, we should be candid that it's not without costs. Clients and firms are already demanding, and they sometimes demand everything from a lot of us. And our families need us too, and they're not always patient with us being away from home even more. And professional activities don't just cost time. They cost money, and life is expensive, and that may not be money that's easy to spend. We need to be candid about these costs of building a career. So, we should start with this question: Why should we speak and write?

### **Why Speak and Write**

CAROL: I started speaking and writing early on because the partner that I worked with told me I had to. And I was young and impressionable and believed what he said, but I found out, as I did it, why I kept doing it. And it was in large part because it was the best way to learn something thoroughly. I never was having a good time while I was putting together the outline for a speech that I did. But when it was done, I have to say I really learned something and learned it in a way that I wouldn't have otherwise. So, to me, building that expertise and excellence is the most important thing.

You also do it to build your reputation for business generation, but that's a long-term build. You're not going to, in most cases, get a client or two because you gave one speech. It's about your reputation generally.

You get a network of colleagues who are your friends. We go to each other's weddings and on vacation with them. And if you're in a jam, and you need to know something about law in some other state, you can call them, and they'll tell you. And it's wonderful to have that network of friends.

And finally, you give something back to the profession, and if we aren't willing to do that, then how are we going to expect the profession to give back to us? And so those are all the reasons why I did it. Now, you also do it because you've got an ego, and it's nice to have people come up and tell you thank you. And I don't discount that, but that's the last reason to do it honestly for me.

STEVE: Carol, there's not much to add to that. That is just a fantastic list of reasons why. When I was a young attorney and starting out, it was predominantly to just build credibility—"Let people in the state know who you are" sort of thing. I'm now in a position that it's part of my job of doing this as development for the firm. But I did it very much for the same reasons that you had mentioned.

TERRY: And I would agree with all of those, and I'd note that the ABA's mission is to serve equally our members, our profession, and the public, by defending liberty and delivering justice as the national representative of the legal profession. If you think about that mission and how you can best work towards fulfilling it, there are lots of different ways to do this, but certainly, speaking is one of those ways. I think mentorship and developing a relationship that helps show how we can grow and how we can help others to grow is essential to what we do as lawyers and, really, as human beings. Speaking is a huge part of that. It enriches your understanding of topics, and it also opens the door to networking opportunities that you might not have had otherwise. And for some people, you speak because you have to. You're the kind of person who needs to share, and I think there's nothing wrong with acknowledging that, if that is part of

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your personality and your character. And it can help you to develop your practice.

PAUL: There are things that I would add to this just to add some color to everything that's already been said. When we were all talking about what we might talk about on the subject, we all brought up our mentors who pushed us in that direction. And for me, that was Professor Jeff Pennell at Emory University, whom we all knew and listened to when we were growing up as pup lawyers. Some people say I actually started out by doing a very bad imitation of his cadence—for a couple of decades! And I'll really underline what Carol started with. For me, it was a way to force myself to stay sharp and to learn new things. I know we'll talk about how we select subjects, but very often for me it is—"I've been thinking about this. I don't really know as much as I would like to know. Maybe there's something interesting here that might turn into a presentation or an article."

Getting to what Carol was saying about building your own brand, another one of my mentors, very early on in my career when I was practicing law as an associate, made it a very important emphasis for me, just in terms of career development, to build your own brand. I was working for him. I would have been happy to have worked my entire career with him, but he said, listen, firms come and go. Jobs come and go. Your personal brand will always stay with you, regardless of what happens to the things around you professionally. And so, it's been a critical part of whatever modicum of success I have nowadays. But it's really for me not only professionally rewarding but it's also personally rewarding.

CAROL: When you deal with things in your own practice, there are certain mistakes that you hope you wouldn't make. When people come up and ask you questions, they raise issues that you would never get into on your own. I have learned a lot from really interesting questions that people ask me. Some people say, "Why do you respond to all these people? You're just giving them free legal help." It's because I'm learning something from them.

PAUL: I'll hit that home. One of the most recent things I've been talking about is qualified small business stock, and, four or five years ago I didn't know anything really about it. And still now, I get email questions that are some of the most interesting, unanswerable questions that you will get out there, and it has enriched my knowledge in that area.

DANA: Anyone that knew him knows that my mentor gave professional lessons with short statements that were memorable, quotable, and packed with a lot of power and wisdom. The lesson I got was pretty simple. This builds on what Paul said—I think we got the same lesson—which is the only thing that you own are your skills and your reputation, and if you don't invest in yourself and build those, you're always going to be dependent on a law firm or an employer for your career and your work. You won't have professional options if you need them. So, my boss trained me—and I thought it was crazy at the time—but trained me from the very beginning of my career to have the option to leave the firm by building a reputation of my own.

STEVE: Very interesting. So, Dana, who was that?

DANA: That was Dennis Belcher.

STEVE: Mentor to many of us.

### **Selecting Topics**

DANA: Yeah, we miss the boss. Let's pivot with that and talk about selecting topics. Now that you've made the decision to speak and write, what the heck do you speak and write about? After I had practiced

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long enough to have a little experience in the different aspects of—and some exposure to the different aspects of—trust and estates work, my boss told me to think about the kind of work I liked and the kind of work I wanted to do and to think about the career I wanted. He said, “You speak and write about the type of work you want, and that’s the work that’s going to come to you.” That’s the lesson I got.

PAUL: I do believe you want to pick a topic that you are actually passionate about and that you feel like you have some real expertise in. All of that being said, I have been telling young attorneys that want to get involved in public speaking that there is one subject you should definitely do because it will make you famous. And it certainly may have made Natalie Choate famous! The broadest asset type in the United States is qualified retirement plan money, and all of the picayune ideas there in terms of required minimum distributions, IRAs, and things of that sort. I still have yet to have any young person jump on it and make it their thing. Natalie’s famous at it. Nobody knows anything more than she does, but we need a succession plan in that particular area. Now, all of that being said, no one can ever pay me enough to do that particular subject because I’m just not passionate about it. If you can find your one thing that makes you unique in terms of your subject, I think you should definitely run with it. I, unfortunately, have subtopics, for lack of a better word. I’ve mentioned qualified small business stock because I thought that was interesting. I have a subspecialty on the partnership tax side, in particular planning issues there, and in years past it was charitable lead trusts and things of that sort.

I find it hard to do the things like Steve can do, where I just don’t have the comprehensive passion to know everything about all of estate planning. I’m always in awe of Steve’s recent developments and the depth by which he goes and the historical context that he can bring to all of those particular subjects. This is just to say you have to decide what is yours and what you’re passionate about, and what you feel like you can really run with and teach people new things.

STEVE: Paul, I always think of you and Carol as knowing everything about everything. We all do.

PAUL: You’re too nice.

CAROL: The definition of an expert is that you know more and more about less and less, until you know everything there is to know about absolutely nothing. I think you’re right—you should be strategic about it, and I’ve never done that. I’ve never been strategic about what I decided to talk about, except in this way. I often got into something that I found interesting, and, particularly, if I could do the initial knowledge building on the basis of some client work. And then if this is of general interest, I’ve already done some spade work here. So, if I could take this material and recycle it, it just makes it a little easier than starting from scratch. On the other hand, that’s not how I got into generation-skipping tax. My boss and mentor came to me in 1977, after I’d been with the law firm for about two weeks, and said he’d been asked by BNA to do the generation-skipping tax portfolio. He said, “So here’s the deal—you’ll write it, I’ll review and edit it, we’ll be co-authors, and you’ll be an instant expert.” Of course, I say, “Okay,” with no idea what this is going to be. So, I just sort of fell into it, but it turned out to be a good thing for me because the GST tax is really hard. It’s got a lot of silly rules that people can’t keep track of, and it’s very important. Grandfathered trusts were really important for wealthy people, but I didn’t select it with any strategy in mind. It just fell on my head, basically.

TERRY: I also had a mentor, Bruce Ross, who was a partner at my firm who actually wrote the California book on probate. Every year, he would give this talk, multiple times, where he would basically have this encyclopedic understanding of everything there is to know about California probate. I would watch him on the stage, going back and forth, thinking I’ll never be able to do that, and I still will never be able to do that. I think you do have to figure out a way to choose topics that work for you—if you’re not the

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person who is going to be a Steve Akers or Carol or a Paul. But I think the ideal is to pick topics that you either know or that you need to know or that you want to know. And I think early on in your career it's probably hard because you don't necessarily choose topics. People come to you and they say, "Hey, would you like to join a panel on this or participate in this or that?" And I think you can be selective about that, and then try to shape the portion of the talk that you're giving to fit something that you are familiar with or would like to know more about.

The ideal is to figure out a way to become the go-to person on a particular topic or build off of a case or a problem that you've already researched and used. As Carol said—the spadework has been done already. You've been doing memos for a court or for clients. Take that and transform it into a speech or into an article. You can also repurpose presentations for maximum leveraged output. If you can find a way to take a topic that you know and develop it well and then reuse it on other occasions, it helps to sharpen the edge.

CAROL: It's important to be interested in the topic. You're going to spend hours and hours on this stuff, and if you don't find it interesting, you're not going to make it interesting for anybody else either.

STEVE: All of those are very good comments. First, I would say, particularly as a younger attorney, take advantage of opportunities as they come. It's like Carol with the generation skipping. You may get your topic selected for you. I know the first time I spoke at Heckerling, I was invited to speak on something I'd never done before. Nobody else had done it either. It was after QDOTs had come in, and well, I learned a lot about QDOTs. Most of the speeches that I've done are ones that I've been asked to do on a topic, and so as a result I've ended up speaking on a lot of different things and learned a lot as a result. Now I tend to have some set topics. For me to do a new paper on a new topic is probably a 50- to 100-hour project, so I'm very judicious about doing those new projects.

### **Working Well with Others**

DANA: Let's talk about co-panelists—the good, the bad, the annoying. Early in your career, speaking opportunities will most likely be as part of a panel rather than a podium speech. That's natural. That's where new speakers get their opportunities. That can be a great experience, if the panelists carry their weight, share time, work together, and share their perspectives. But there are also the freeloaders, the prima donnas, the aggressive self-promoters, the under-preparers and procrastinators, the time hogs and the panel bullies, all of whom exist. We should talk about how not to be those people, how to deal with them when you get stuck with one, and what we can do to ensure a good panel dynamic.

STEVE: You've laid out all the terribles that can happen, and certainly, those things happen. To me, being on a panel, particularly being the moderator of a panel, is more work and takes more time than to just give the speech yourself. But it ends up being better because you get multiple inputs with respect to the particular topic.

There will be a variety of conference calls that you'll have before the session itself to decide upon what subtopics you're going to be covering, what kind of time frame for each of those subtopics, and who's going to be covering different subtopics. My personal preference on a panel would be to have five- to seven-minute slots of somebody leading the discussion, and not to have a panel of an hour and a half of three 30-minute presentations. I'd much prefer the short time slots and then to leave time for dialogue. That's really the huge advantage of a panel—to be able to get input from a number of different people.

So once we have those pre-conferences and we've decided what we're going to do, I think it's very helpful to have a timeline laid out, upfront, to the minute, of how much time you're going to spend on various

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topics. And strategically give thought to how much time you want to spend on particular topics. Not that you'll follow that by the minute—you might deviate greatly from it. And when you do, nobody in the audience will know that you deviated, and that's fine. But at least you have a plan going into it.

DANA: And for the record, we've already deviated from our plan!

PAUL: I totally agree with what Steve is saying. Having essentially three different speeches by three different panelists is typically the least effective in terms of getting real information to the audience and in terms of the audience really understanding it. It really is. If you are talking about a panel that really knows their subject matter, the best parts of the panel, and I would say by way of example the best part of the ACTEC committee meetings, are the back and forth that haven't been discussed or haven't been scripted out already.

The other thing I'll mention is that, if you feel confident about it, there is nothing wrong with disagreeing with one of your panelists. It's just how you end up disagreeing with them, right? We've all been on panels where somebody will just say, "You are wrong, you're dead wrong, and I'll tell you exactly why you're wrong." I wouldn't recommend that. I think there are ways to say, "Can I give you another perspective about this? Here's my thought. I would love to hear your thoughts on that."

DANA: I'm just going to jump in and say that, when I see somebody act like a jerk on a panel, I know I'm never going to do business with them.

PAUL: Is this why you and I are not doing business?

[LAUGHTER]

DANA: I gave away the secret.

TERRY: I would also say that trying to figure out a way to avoid serial presentations is great and important because if one person isn't great, then it loses for the whole panel. I think if you remember the gestalt of it all, that we all benefit when we all are good together, and, of course, that requires some organization and some effort ahead of time.

One of the challenges for me is that I'm not as well-organized as some of the people that I sometimes do panels with, and I know that about myself. So, I'm fortunate that I've had the experience of working with people who are very organized about working on a presentation. An organizer may chart out, over the time between when the panel is announced and when you're going to speak, a call here, another one here, and another one here, so that you have an overall arc for developing what the presentation is going to look like. At the beginning it feels like, oh my gosh, this is overwhelming. There's no way I can do this. But to break it up into pieces like that helps to make it work really well, and by the end you go, "Ok, I've accumulated an understanding and appreciation for how this panel should work." So by the time you're ready to do it, it almost is second nature to you. So, I found that to be helpful. I probably will never be the one who will organize like that. I'm still looking forward to working with people who are more organized than I am, but I think that's a useful tool and a way to think about how to make a panel most effective.

CAROL: I think those are all great comments. Look, everybody on this panel I would speak with instantly, in a heartbeat, without thinking twice. But you do learn from mistakes, and there are people to whom you would say, no, I think I'm busy that day. I think it is helpful to have a leadoff speaker on a topic, but panels are more interesting when there's some give and take. But you should make sure, though, that your

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co-panelists are comfortable with you piping in. If they're in the middle of a rant, and you want to make a point, you have to be careful about interrupting their train of thought. You certainly never want to make your panelist look bad, if you can help it. I was in a situation once where somebody speaking before me just said something that was absolutely dead wrong. It was not a matter of opinion. It's just completely, completely wrong, and rather than say what he just said was completely wrong, I just said what the right rule was and left it up for people to make up their own minds.

PAUL: Well, Carol, it does bring up one of the most important things, and it goes without saying, that is to listen to what your panelists are saying. I've been on panels where a co-panelist is so worried about what they're reading, they're literally looking at their notes. Because they're coming up and leading the next section, and they're reading their notes. And they're not actually following the arc of the conversation, where it's going, and the nuances of it.

CAROL: Guilty as charged.

DANA: Yeah, I have no idea what Paul just said, but I've got my notes for the next section.

CAROL: I've been known to be preparing while I'm on the panel.

STEVE: And Paul, that's a good point. As a panelist, if you're going to ask somebody a question, start off with, "Carol, . . ." Get Carol's attention, and then ask the question. If you just ask the question, and then say, "Carol, what do you think about that?"—Carol may have no idea because she wasn't listening.

### **Written Materials**

DANA: We could talk about this all day, and we all have our scars and stories on that one. But let's turn to putting together written materials, which are obviously an important part for getting CLE credit for a lot of programs, and also a calling card. Everyone has those outlines that are so good that we save them. We pull them out over and over again, when we need direction. So that's the goal. Right? To write things that are useful and endure and age well, and they give real value to the audience. Those, when they're really good, serve as that advertisement for your professional ability and judgment. You give people a good takeaway that they save, and that starts with the terrifying moment of looking at a blank piece of paper, if you're old like I am, or a blank screen, if you're just about everybody else in the world. Outlines and slides, putting them together.

TERRY: I think one of the things that sometimes people do is they overdo the slides. I think it's important, obviously, to have the guides because they are a helpful visual tool to help keep the attendees flowing with you and understanding what's going on and where you are. But you have to make sure that they're organized in a reasonable way, and that, especially if you're working on a presentation with someone else, you are prepared and have an opportunity to see them in advance.

I'll tell a mini-war story about someone that I did a program with and we were organizing the slides a little bit. And we worked out an agreement about what was going to be in it, and then I think the night before, they said, oh, I want to add some more slides. And when we showed up the next morning, there were, I don't know, 94 new slides that I had never been seen before. I was shocked and didn't quite know how to deal with it, but we made our way as best we could. But I think the key is to plan ahead, talk to your fellow panelists, and have an understanding of how the slides are going to be used, especially if you're coordinating with them, just to make sure that the flow is continuing to move forward—because they're essential tools, but they can be deadly in the wrong hands.

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PAUL: With respect to written materials, I would say, Steve is the gold standard on written materials, in terms of things you pull down, constantly, all the time. I aspire to that. Writing the written materials and updating the written materials is my favorite activity, and also the bane of my existence at the same period of time. As I mentioned, I have a number of subspecialties, which makes it a little bit more difficult because I feel like I'm sort of jumping between subjects. So, I end up having to carve out a certain portion of whatever free time I have outside of work just to update periodically each of those things in series.

Now, I'm a big proponent of slides, but I'm not a big proponent of slides that have point by point by point by point, subpoint by subpoint, and then lots of quotes. Sometimes, the subject lends itself to those types of things, like when Steve was talking about QDOTs. The first time the QDOT stuff was coming around, you needed to have all of those bullet points. It's a totally new subject, a totally different way of getting the marital deduction and then making sure that it gets paid somewhere down the line.

I think about different ways of learning. There are those people who learn by reading the words and those who learn by graphics, and also those who learn by listening. I'm a proponent of trying to balance between them. Have a graphic on the screen that actually tells a story that you're trying to say, whether it's a structure or a planning technique, and enough very short bullet points that the reader can look at very quickly. The big mistake that you see from a presentation standpoint is people who will read off the slide, especially if it's one of those narrative slides.

CAROL: The reason I don't like slides is because I've already written an outline. Now I have to do more work to put it into the slides, and I'm already late with the outline. I've been a talking head for most of my life, but I do find that slides do help you stay on track with your subject matter. They are more work to do, but what I have done is used my outline as my slides, by highlighting stuff. Between looking down and seeing that in small print in the outline versus looking up at a slide, it is easier to look up, if you have the time to do slides. I think it is a mistake to put too much on any single slide. People in the back can't read it. You can say, well, the slide is as much for them as it is for me, and there's some truth to that. The slide is partly for you, to keep you on track. It's partly for them because there are people who are more visual than auditory learners. But I always hate doing slides, and I always think it's a good thing once I've done them.

PAUL: Carol, you'll chuckle at this. So, Professor Pennell, for my entire career, has basically said I'm a coward and I use slides as a crutch. He would say that when you become an adult presenter, you won't have to use them.

STEVE: Yeah. I've never thought of Jeff as a coward. Those are all great comments. Let me just make a few comments about writing and my particular biases on that. When I read something, it's easier for me to read if there are headings on it. So, I do a lot of headings.

It's easier for me too, and just visually it's more appealing, to see shorter paragraphs rather than longer paragraphs. I tend to break into a new paragraph with every new thought. I think that's easier to understand. Be organized, the same as with speaking, but be organized in writing as well. Also, be practical. Discuss what you need to discuss technically, but be sure to discuss the practical aspects of whatever you're writing about.

CAROL: One more thing about the written materials. The outlines are painful. If you are starting from scratch, 50 to 100 hours is nothing for an outline. It is awful.

PAUL: One of the decisions you have to make on your outline is, do you want your outline to be the

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reference point for a particular subject, or is it—let’s assume that most of the technical issues are relatively well known, and what you’re going to do is take that information, push it along, and, as Steve was saying, in a very practical way, from a planning or practice standpoint.

CAROL: I’m “Plan A.” What I found is that if I would write my outlines really as an article but with headings and subparagraphs, I could then easily turn it into an article without having to do a huge amount of rewriting. If you really do a bullet point-type outline, and you have to have a real outline or an article later, you do most of the work all over again. And so I’ve just always bitten the bullet and tried to write the outline with full sentences. I try to put citations in it, just so that if I have to do that later, I’ve already got them. I don’t have to go look them up again later.

PAUL: Well, all five of us are in “Plan A,” when I think about our materials.

STEVE: A recent phenomenon is that I’ve found seminars are no longer printing the papers. They’re available, and people can download them and print them before they come to the seminar if they want. I realize that is cheaper for the seminar producer. But I get to the seminar, and I find nobody has printed it out beforehand. Most people are not looking at their computers and are not looking at a PDF on their computer. And so something I’ve started doing is to prepare a two-page summary—a two-page highlight. If nothing else, I might take it myself and hand it out so that the participants have something in front of them to see the organization of what’s being spoken about. I’ll put page numbers on that highlight so that if somebody does want to look in the longer paper, they can find it very quickly.

TERRY: I think the important thing is to really be adaptive and to consider, in some cases, what the topic is and what format the topic may suggest. There are some lighter presentations that I’ve been fortunate to be able to give, and they don’t require this detailed outline. Trying to find the right thing that communicates the ideas most effectively is always a challenge for any writer or speaker or presenter. And if you can be flexible about it, I think it will help to make the best of whatever presentation you’re presenting.

CAROL: Just because you have co-panelists, you don’t have to have a co-outline. And you only make that mistake once, which is trying to write something with someone else. It’s the hardest, most time-consuming thing. If you think it’s hard to write your own outline, try writing it with somebody else. And look back to those joint projects you did in law school or high school or college, where one person does all the work, and the other two get to put their name on it. That’s what happens. And the person who cares the most, of course, is me. So, I just—if somebody says, well, let’s do it—no. I’ll do my outline, you do your outline, and we’ll just talk about the things we want to talk about. And if you want to have a two-page outline, that’s swell, but you’re not putting your name on my outline, sweetheart.

DANA: We’re going to move on with “sweetheart,” but I’ll just say this to wrap up this section. It takes longer than you think. Start way earlier than you think you need to think. For me, that process of when you’re writing the outline is when you are going to think the most deeply about the topic. That is when you are preparing for the speech, and your brain is grappling with what’s important to say and how things are connected. So, start early, give yourself a lot of time, and embrace that time.

### **Preparing to Speak**

DANA: So, you got yourself a good outline. Now, you’ve got to figure out what you’re going to say. How are you going to keep the audience engaged? How are you going to get into something that will help them better serve their clients? I’m going to say a couple of things on this, then turn it over to Carol. I have a really close friend who knows me better than just about anybody on the planet. And she gave me a shirt

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that says, on the front of it, “I’m not for everyone.” Everyone learns differently. And everybody’s got their own style. And not every speaker will connect with every audience member. But everybody responds to authenticity. You have to speak with your voice and not try to pretend to be someone else. You can steal—it’s like jazz music. You can steal and you can emulate, and you can integrate things from other people that you respect, that resonate with you in your own style. But the only sustainable path is to be yourself. That’s the only way for what you say to be meaningful and really connect.

Just by way of example, I grew up standing around the kitchen with a bunch of loudmouth Irish factory workers, telling stories to pass the time and trying to one-up each other. So that’s my style. That’s the style I grew up with.

In addition to using humor—I’ll just say this—when that works for your authentic voice, I’ve also found it effective to share a little bit of yourself. Not too much of yourself, but to share some things about yourself and your life with the audience, to open up, and to be a little bit personal. Humor and personal anecdotes wake up the listener’s ear and mind, can help them feel connected to you and engaged. And since I’m a notorious over-sharer, this is also authentic to my speaking style.

CAROL: Well, I think everything you said was really important. And I think the effect is one size does not fit all. I know very effective speakers who write out their whole speech, every word, and you cannot tell for a minute that they’re reading a speech. If I did that, you would fall asleep and run screaming out of the room. I tried it once. And I practically screamed and ran out of the room. And after I did that, I said, well, that doesn’t work for me. And I decided that if I could talk to one person, I ought to be able to talk to several hundred people and explain something. And it’s very scary, working without a net the first time you decide that you’re not going to practice a speech because it doesn’t work for—it didn’t work for me. That I was just going to extemporaneously explain the subject matter.

And so my preparation is doing the outline. Doing the outline is where you’re thinking, What’s the right organization? What’s the order I want to talk about things? And how do I connect those dots? And then I go over my outline before I talk and kind of emphasize what I want to talk about and try to put some timing on it. But writing out my speech and practicing it didn’t work for me. But it does work for some people. And so, you have to find out what your own style is.

As far as using humor, humor without content is a comedy show. People are not taking time out of their days to hear you tell jokes. That doesn’t mean that a few jokes aren’t welcome. In fact, this stuff is so dry sometimes that people are pathetically grateful if you say anything moderately amusing. They think you’re a laugh riot. So, it is great—if you can do it.

DANA: The bar is very low.

CAROL: But not everybody is good at it. I’m a bad joke-teller. I’m a really bad joke-teller. And I found that out, tried it, and it didn’t work. And so, I don’t tell jokes because it’s not my thing. If you can say something sarcastic and funny without hurting somebody’s feelings, swell. But extemporaneous humor is dangerous. And you have to think fast enough, before it comes out of your mouth, so that you don’t say something you’re going to regret. But humor and substance are a great combination. I think people pay attention. I think they listen. I think they remember it. And they enjoy the talk. Humor without substance is a waste of their time. They’re not there to hear you be funny.

STEVE: As always, everything Carol said is right. We all know that. In preparing for the speech—the big deal is, know it so well that you merely need a few key words to remind you as you’re going through.

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That is my style. As Carol indicated, some people can read and do it well. Very few people can do that without it being apparent they're reading. So, know your speech so well that during the presentation you just need some key words. Have the organization down.

If wanting to refer to page numbers (which is very helpful for listeners who are also trying to follow along in the materials, put the page numbers in your brief notes so you can refer to them in the presentation.

Give thought to time allocation. What topics are most important? Where do you want to spend most of your time? Don't just get into the presentation and let it flow. Think strategically how much time you're going to spend on various topics.

Think about what comes first and what comes last. People remember what comes first and what comes last. But the danger of that is that if you save one of the most important things for the end and you run out of time, then you don't get to that. And so that means you've got to be flexible.

If you can see that you have 10 minutes left and the thing that you really think is important that you want to talk about is going to take 8 minutes, then go to that. Leave out something else. Nobody else will know that. Think strategically about time allocation.

TERRY: Even though a topic may just flow from point to point to point, you are still giving a presentation that is essentially your storytelling. And storytelling always involves having an understanding of the beginning, the middle, and the end. And whether you have a joke at the beginning or whether you are just prepared with something that's light to get the audience engaged and in the mood for the presentation, it's nice to know what that is so that you don't have to worry about what's going to happen at the beginning.

It's also nice to have some idea of how you want to close out, or at least what's your most important thing that you'd like to leave with people. But be adaptive and understand that it's going to change, and it's going to shift. And there's a possibility that things may not end up as they were intended.

So being well-prepared, and essentially knowing what your core theory or what your mission is that you're trying to accomplish, and always being able to go back to that, allows you to come back to that focus and stay on the page and not lose your place. And even if you lose your place, you can always get back to where you need to be to keep it going.

PAUL: The only thing I would add to all of the excellent things that have already been said is I don't think any one of my speeches or presentations has been exactly the same. Every single one of them has been different in some significant way. But all of them have sort of common themes.

And so the one thing I would mention to those people who are just starting out in these types of presentations is that nothing will prepare you better than actually forcing yourself to do it by yourself in front of somebody or by yourself a few times. I don't do that anymore, just because I've done that in the past and most of the subjects I'm speaking about I know relatively well in terms of the content.

Many of my presentations—I have a story in mind that I'm going to tell. And often, I will say, by way of example, "Here, we're going to be talking about the formation, creation, the operation, then the termination of partnerships," just so they can understand the arc that you're going through. Or at the beginning, "I'm going to tell you a story about this code section that is written horribly, has caused more problems," but it gives you lots of opportunities for these types of things. And you keep on bringing that narrative through there.

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And the last thing I'll say about humor, in my mind, is you should use it sparingly. And remember, self-effacing humor will never offend anybody. Non-self-effacing humor may offend somebody. So just use that power gently.

### **Dealing with Nervousness**

DANA: No amount of preparation will completely eliminate nerves and stage fright. Let's spend just a couple minutes talking about this. I think nerves are good. Nerves mean you care about what you're doing. But they can be debilitating. My first speech was to a statewide trust in an estate seminar in a place called Tides Inn, in Tidewater, Virginia. My heart was racing. My hands were shaking. I was sweating. I was standing next to the podium, getting ready to speak, and one of the partners at the firm named Birch Douglass came up to me. And he said, "Dana, you seem a little nervous." And I said, "Well, yeah, I'm terrified." And he goes, "Well, did you read the cases that you're talking about?" And I said, "Yeah." And he goes, "Well, you're the only one who has. You're the only expert in the room." And it was just enough to take my heart down a little bit so that I could get through the program. So, Terry, why don't you lead us off in dealing with nerves?

TERRY: I love that. Remembering that you're the expert in the room should help you to have a little bit of confidence about that. Although, you know there's somebody out there who believes that they are truly the expert in the room and that you're going to get a question that you're going to have to deal with.

In anticipation of that, you want to try to make sure that you can reduce the nervousness as much as possible. Many times, we do these presentations in the midst of a RPTE meeting or an ACTEC meeting. And you know that at those meetings you're going to be having fun the day before or the night before and going out for drinks and hanging out with your friends because that's a part of this process, too, of working together. But remember, if you've got a program the next day, that you need to get some rest and drink plenty of water and make sure that you're staying hydrated the night before and the morning before when you're getting ready to speak because that will help you to address some of those physical aspects.

Make sure that you take some deep breaths before you speak. Really just open up those lungs because that helps to center yourself and make sure that you understand where you are. Ground yourself. Feel your feet on the floor and understand where you are in the space and this time. Those are just general good tools that are helpful for everything in terms of being mindful and understanding how to present a story well.

Reduce the stress factors, if you can. Arrive early to the presentation so that you're not scrambling at the last minute. There's going to be some technical problem such as the mic doesn't work or the slides aren't hooked up. If you prepare in advance and can check in with the tech people—ideally the day before, if you can, but certainly before the speech so that you're not going to run into any of those problems—that's just a reassuring thing.

Find somebody in the audience who's a supporter, someone that you know and trust, whether they understand that they're going to be your supporter or not. Find the person who's smiling and nodding when you're speaking because you know that you're communicating with them. And if you seem to lose them, then that tells you maybe you're going a little off track and you can kind of bring yourself back on.

And finally, lighten up with the speakers, with your co-panelists especially. Try to make sure that you are enjoying your presentation because if you're enjoying it, it's much more likely that your audience is going to be enjoying it, too.

PAUL: I've done thousands of presentations. I have been nervous before every single one of them and still am to this day. Now, what I find particularly helpful for me, and I would encourage especially younger presenters in this space: years ago, in the '90s, when the 49ers were winning all of their Super Bowls, they were famous for scripting the first 20 plays. No matter what, no matter who they were playing, those first 20 plays were exactly the same. And they practiced them over and over again. When you are doing especially a relatively new presentation, just know your first three or four slides because that will give you momentum to sort of get through it. And once you sort of get through it, it seems to roll, and you gain momentum as you're going through.

STEVE: I'll just add to all this the Nike slogan—Just Do It. The more you do it, the more comfortable you're going to get. Just Do It.

CAROL: And I would say, start small. I started by being part of a Chicago Bar committee, where you'd have a subcommittee. They'd do a little presentation. Maybe your part was five minutes. It's maybe 30 people. They're all on your side. They all want you to succeed. And that's true for even a larger audience. They don't want you to be bad, right? They're on your side. They're not looking to have you look bad. But if you start small, you realize that you can speak in front of people and not pass out. And then you get a little bigger and a little bigger. And you find, after a while, that once you start talking, the nervousness does kind of go away. If you know your subject well, you should be able to talk to people about it, whether, again, it's one person or a thousand.

And think about what your audience needs to know. It's not about you. It really is not about you looking good or being smart or showing off what you know. You will impress your audience when you talk about things that they need to know, not you showing off everything you've learned. They don't care about that. You're there to tell them stuff that is important to them. They're taking time out of their busy day. Often, they're practicing lawyers. It's costing them money. So, if you're thinking about them, you're not as likely to be thinking about yourself.

### **Delivering the Speech and Responding to the Unexpected**

[Dana's camera freezes]

STEVE: I think Dana has frozen.

CAROL: I think Dana is frozen, exactly. Well, we can move on to actually delivering the speech and responding to unexpected moments. And Dana was going to lead that off, but he's not participating at the moment. Oh, there he is. He moved.

DANA: Am I back?

CAROL: You're back.

DANA: Speaking of responding to unexpected moments, that would be one of them! There's an anecdote about jazz musicians, that if you're on the bandstand and you're really, really nervous, it means you're totally focused on yourself, and you're not thinking about anybody else. You're totally self-focused. And when you start thinking about the interaction between you and the audience—or between the musicians—your nerves tend to fall away.

PAUL: Since we're on the unexpected, there is a question in the chat. And I think this is actually a really good one. Does the panel have any recommendations specific to Zoom presentations? We've all

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been subject to these over the last couple of years. I'd love to hear this panel's ideas about what to do differently in Zoom presentations. In Zoom presentations, I think slides are even more important because nobody wants to see just me just talking. The other thing that makes Zoom presentations difficult for me is to show enthusiasm for a subject on a screen. And so you have to find—I find myself having to over-emote and over-gesticulate just to hit some points home, like I'm doing right now.

CAROL: I think a panel like this is much easier than talking to your face on a screen for an hour. I did that. And my advice is, don't do them.

STEVE: They are a bit soul-sucking at times.

CAROL: There's no audience reaction. And I find that's important to me. Even if they're just making frowny faces at me or falling asleep, it's feedback, right? And when you're talking to yourself on a screen, you get nothing but you. It's awful.

DANA: So now it's game time—some game time techniques that we all find useful. I'll just briefly start off by saying two. If you get to the point where you're speaking in a room that's bigger than you are otherwise comfortable with, especially the big ones with the jumbotrons and all that sort of thing, or any room that's just bigger than you're used to speaking in and that's starting to overwhelm you, it's very helpful to find a person or two in the front and just give the speech to them. Don't try to speak to a big room because those big rooms can become overwhelming and you lose your focus. So, you find a couple of people in the front. If you can find Howard Zaritsky or Susan Porter, they're the best. If they're in the front, give the speech to them. They're great audience members. But find a couple of people in front. Don't try to speak to a huge room. The cameras will take care of the rest or people will be looking at you.

The second one, just as a practical thing, if you have a terrible cough—this comes from personal experience. If you have a terrible cough just before a speech, you do not eat the entire pack of Halls Mentho-Lyptus because there's stuff in there that will make your head swim. And I once did the back 45 minutes of a 90-minute Heckerling program with the room spinning. So, that's my practical takeaway.

PAUL: On unexpected things that happen during the presentations—I have fallen off the dais twice on platforms. And both times, I did something like—as I sort of gathered myself and got back on my feet, I did something like this, which I guess is a—[LAUGHS]

CAROL: Stuck the landing.

PAUL: You will have many unexpected moments, whether it is clumsiness or somebody yelling something out or asking a question that's sort of bizarre and not on the point. The audience does not want to see you uncomfortable. And so, they will be incredibly gracious. And I think humor under those circumstances works really well to sort of get yourself situated. And there is nothing wrong with stopping and pausing. Take a big breath. Think about where you were and where you want to start over again. And feel free to go back to where you were before if you want to get some momentum as you're going into where you were going.

CAROL: All those are all good comments. I have had a problem with speaking too rapidly, so I've been told. It seems normal to me, but not to other people listening, apparently. And so, I would write on my pages, as I flipped them, slow down. And I would write it on every page because, as soon as I wasn't thinking about—I mean, for me, I have to either think about what I'm saying or think about how I'm saying it. I have a hard time doing both at the same time. And so, I had to keep reminding myself to not

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speak so rapidly. So, there are just things about your own—you'll get feedback from people. People are quick to criticize, frankly. And don't take it too personally—I always said, well, if it's really awful, they won't ask me again. Problem solved.

TERRY: And again, preparation is key because then you can anticipate things that might go wrong. And so long as you have a core theory that you can come back to, that's, I think, really helpful.

STEVE: Let me just hit a number of things quickly. I've already mentioned be organized. I think that is just one of the most important things about speaking and people being able to understand and take away something from what you said. Be organized. I like the idea of the two-page summary to help people follow the organization.

Know the topic well enough that all you need are topic notes, notes to remind you of what to cover next. I like to refer to page numbers. And that's because, Paul, you mentioned people learn differently. I'm a visual learner. It helps me to be able to look at something as I'm listening. And so, I refer to page numbers. I realize I'm a dinosaur. When I listen to people speak now, very rarely do they refer to page numbers, where they are in the paper. But I find it very helpful.

One of the key things about presentations is look at your audience. Again, it's fine to look down at the paper occasionally, but all you should need to look for is the key word, not to read the sentence.

Look at your audience. And that's the thing, Paul, I would say about Zoom calls as well. Look directly into the camera and not at the other people on the screen. That seems natural to do, but that's very disconcerting when someone is always looking down. Look at your audience.

Speak slowly. Communicate. Educate. Your goal is not to be just the smoothest speaker possible. Instead your goal is to—Communicate. Whatever you have to do to communicate is what you want to do. And educate. Never assume that your audience knows too much. I find, almost invariably, no matter how sophisticated the audience is, it is very helpful to begin at the beginning and lay out the predicate of where you are. The goal is to educate, not to impress people with how smart you are.

Have a passion for what you do.

Be very practical and give practical suggestions.

Just some very practical comments—take Kleenex with you in case you get a runny nose. Take water with you in case you get the coughing fit. That can be very helpful.

Here's another practical suggestion that I've learned from personal experience. You're in the middle of the presentation, and you forget when you're supposed to end. I take a little sticky note and put at the top of my presentation when I begin and when I end. And then you know that.

Last, I would say, act like you're enjoying what you're doing. Act like you know what you're doing. You don't have to be arrogant about it. But act like you know your subject. And be confident about it.

### **Audience Questions**

DANA: We're down to the end of our time. But I want everybody to say one fast sentence about dealing with audience questions. And here's my sentence. I don't do it anymore. It's because early in my speaking career, I had lots of people stand up to ask questions who didn't really have a question. They wished they

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were the speaker, and they wanted to demonstrate to the audience that they knew more than I did. So, I stopped doing it. But real quick, let's go around the horn.

PAUL: For me, I actually love the questions and prefer them actually during the presentation because I feel—if it's a relevant question, I feel like it's something that the audience will get some additional stuff, especially if you're not going to be talking about it. That being said, that's only because I've been doing this for a few decades. I feel like I have earned the right to say to somebody who is asking a question or is trying to tell me something that they're smart; I can call them out on it. Or I'll say, we'll discuss that afterwards, and then move on.

TERRY: I prefer my questions at the end, if I can, if I give them time.

CAROL: I think questions at the end are good because you may have answered them already if they're patient enough to listen. But I agree with you, Paul. I think you have to be willing to say, look, I don't think it'd be a good idea to talk about that right now in front of everybody. Why don't you come up afterwards and we'll talk? I do like questions. I learn from questions. And I learn what people are curious about. But you do get people who will bog you down with, plan this estate. Here are a zillion facts. And it's not of interest to the whole group.

STEVE: If it's a small enough group, I do like questions during the presentation. I'll tell people that right up front but tell them that I reserve the opportunity to say that we've got to move on so that I can interrupt if there's a long question. But I just find it's interesting to be able to dialogue with the audience as I go along.

### **Conclusion**

DANA: Thank you to the ABA RPTE Special Committee on Attorney Development and Wellness for hosting this program. Thank you to the ABA staff for putting it on. Thank you to Carol, Paul, Terry, and Steve for your wisdom and humor. And thank you for attending. I'm going to close with this thought. Every one of your practices is unique. No will has a brother. No law practice has a brother. You're doing and learning things every day that others will be interested in and benefit from learning about. I encourage all of you who are watching this program to share what you learn. I think you will find that it's good business to do that. And I think it's an important part of what makes this a profession and not just another business. Thank you.