

Pitching for new business: what juries can teach us

 By [Sid Peimer](#)

28 Jan 2010

In most legal systems, a lawyer is required to make an opening statement at the start of a trial. This process bears a close resemblance to a new business pitch, where you are required to state your case to a prospective client whom you are meeting for the first time.

Come to think of it, these client panels often do resemble a judge and jury.

These are some of the maxims that trial attorneys follow when making their opening statements in jury trials:¹

- **Focus on one thing**

Have a central theme and keep coming back to it.

During the OJ Simpson trial, the late Jonnie Cochran always brought the argument back to one theme: police dishonesty, which made some of the evidence suspect - which made it difficult for the jury to return a verdict of guilty. In the words of the expert witness at the trial, Dr. Henry Lee: "If you find a cockroach in a bowl of spaghetti, you don't look for another cockroach before you throw out the whole bowl of spaghetti."

- **More detail means less persuasion**

Excessive detail is the enemy of persuasion - you need to tell a clear story without unnecessary detail. The idea is to include enough information to take the jury through your interpretation of events.

- **Don't lecture**

An opening statement is not a speech - it is a conversation with another person about something you feel strongly about.

- **Be present**

Juries are sensitive to the atmosphere in the courtroom - they quickly detect the lawyers who are glad to be there - and those who are not.

- **Keep it simple**

The power of persuasion is directly proportional to simplicity of content. Verbose legalese does nothing but dilute the result you're looking for.

- **Use the blunting technique**

When a trial attorney reveals a negative aspect of his/her own case, this 'blunts the bard' - the sting is taken out of it - when it is mentioned by the opposition, as it is already out in the open.

Although there is no opponent present in your presentation (as there would be in a courtroom), the client may still attack your Achilles Heel during question time. The advantage of including it in your presentation is that you get to control how you say it, and you also get the chance to introduce compensatory evidence.

For example, your company may not have a global presence, but you may have an established network of affiliates that is more effective, as you can choose the best partner in each region. That's a blunting technique

- **Have conviction**

Believe in what you say - convey a sense of moral urgency and a belief in the justness of your cause. If you doubt what you're saying, so will your audience.

- **Do not be boring**

Boredom comes from reading off a slide or regurgitating from memory. Excitement comes from relating a story that you truly believe will make a difference to the future of your audience.

Reference:

¹*The legal comparisons (excluding the references to the OJ Simpson trial) are based on: William H Gravett, New York State Bar. Effective opening statements in American trial practice: Part 3 - Strategy and delivery. Advocate, The South African Bar Journal, December 2009.*

ABOUT SID PEIMER

Sid Peimer is a writer, trainer and speaker. He is author of *The Clear Win - New Business Pitching: The strategies that work; the myths that don't* - available on his website www.stratplanning.com. He lives in Cape Town and is the resident strategist for the full service agency behp. He has never been convicted.

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