

# “The Power of Eye Contact”

## DON'T LOSE CONTACT WITH JURORS DURING DIRECT EXAMINATION

By Elliott Wilcox

**During direct examination, many trial lawyers make the mistakes of focusing exclusively on the witness. But if you want to be persuasive, you need to look at your jurors**

They say that the eyes are the window to the soul. When you present an opening statement or a closing argument, what do your eyes say about you? There are three reasons to look your audience in the eyes. First, eye contact helps your audience trust you. Growing up, you probably heard the old adage, “Don’t trust someone who won’t look you in the eye.” Do you still follow that advice? Even though some of the best con men on the planet can look you square in the eye all day long, and some very honest people might never look you in the eyes, you are probably less trusting of someone who won’t meet your gaze.

Second, eye contact lets you connect with your listeners. Think back to the last time you sat in a large audience. Did the speaker make eye contact with you? If so, how did you react? Did you pay more attention after that? Did you feel that the

speaker was interested in you? Did you feel a connection to the speaker? Even casual eye contact can have a tremendous effect upon jurors.

Finally, eye contact lets you read your jurors. Some lawyers bury their heads in their notes, and never look at the jurors. The jurors could be bored to tears, completely confused, or even falling asleep - the lawyer would never know. You need to check in with your jurors periodically. If you don’t, you can’t adjust your presentation to best suit their needs. Maybe you need to speed up, slow down, or answer a question - you’ll never know if you aren’t reading them.

**The most common barrier to effective eye contact.** Presenting an opening statement or closing argument can be a nerve-wracking experience, especially if you’re not prepared. Many lawyers are overcome with a desire to bury their heads in their notes and read their arguments word-for-word. This eliminates the opportunity to make eye contact with the jurors. How often do your speeches need to be



*Don't get lost in your notes -- look at your jurors*

Growing up, you probably heard the old adage, “Don’t trust someone who won’t look you in the eye.”

word-for-word perfect? Very few speeches do. For those rare exceptions, such as a State of the Union address, you could use a teleprompter. Otherwise, you can eliminate the most common barrier to effective eye contact by throwing away your script. Instead, use a minimal outline, and the notes will stop competing for your attention. Without the “crutch” of notes before you, you’ll automatically make more eye contact with your jurors.

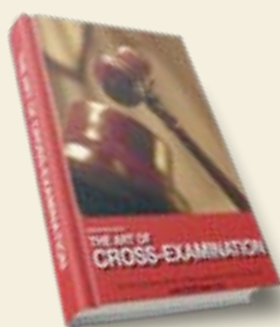
**Don’t persuade the flip chart.** Another common barrier to effective eye contact arises during the use of visual aids. If you were persuading a jury to find for your client, wouldn’t you want to look them in the eyes? But many attorneys stop making eye contact with the jurors when they use visual aids, such as flip charts or enlarged photographs. Rather than looking at the jury, they focus their attention on the flip chart. Why? Are they trying to persuade the flip chart? If you want to persuade someone, you need to look them in the eyes. The next time you use a visual aid, ask yourself, “Where are my eyes focused? Am I making eye contact with the person I’m trying to persuade?” If not, make a special effort to stop

looking at the visual aid. Focus your eyes upon your audience, and you’ll be more persuasive.

**Connect with each juror.** Make sure that you’re making direct eye contact with each juror. If you ignore one person, they will notice. Jump from juror to juror, holding eye contact with them for varying lengths of time. Try maintaining eye contact long enough to determine the color of their eyes. Holding the eye contact makes it a personal conversation between the two of you. Just be careful not to get into a staring contest or making someone uncomfortable. Eye contact is powerful. Use it to convey sincerity, to share a moment of levity, or to draw audience members back into your presentation. Your jurors will be looking at you - make sure that you look at them, too! ■

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