



Master Advocates: “Trial Lawyer Hall of Fame Series: The Art of Storytelling and Theme-Building at Trial

Friday, May 5, 2023

Moderator:

Norman Rodich

Speaker:

John Sweeney

Conference Reference Materials

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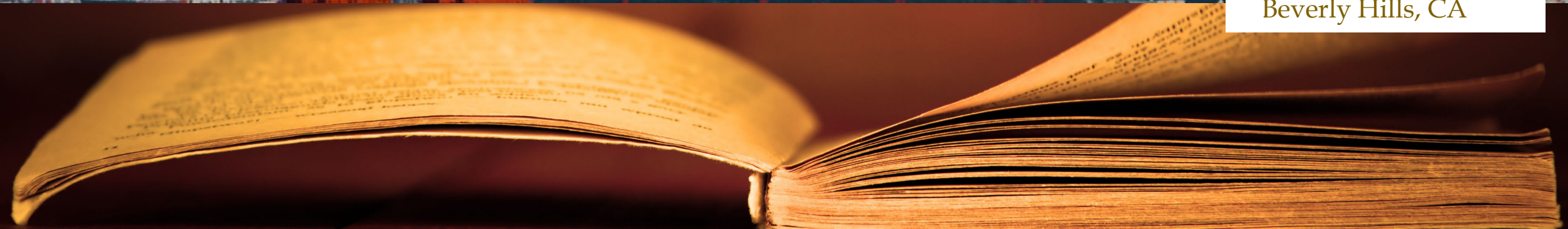
THE ART OF STORYTELLING AND THEME BUILDING AT TRIAL

CALIFORNIA
LAWYERS
ASSOCIATION

San Francisco CA
May 5, 2023

Litigation
and
Appellate
Summit

Presented By:
John E. Sweeney
The Sweeney Firm
Beverly Hills, CA



STORY TELLING AND THEME BUILDING

I. Story Telling and Theme Building...

Can bring what actually happened to the courtroom.

Can bring your case to life.

A. Great Storytellers...

- Film makers
- Writers
- Politicians
- Lawyers

All rely on the art of storytelling to persuade and capture their audiences.

STORY TELLING AND THEME BUILDING



STORY TELLING AND THEME BUILDING



STORY TELLING AND THEME BUILDING

II. Winning a Jury Trial...

requires a lawyer to persuade the jury.



STORY TELLING AND THEME BUILDING

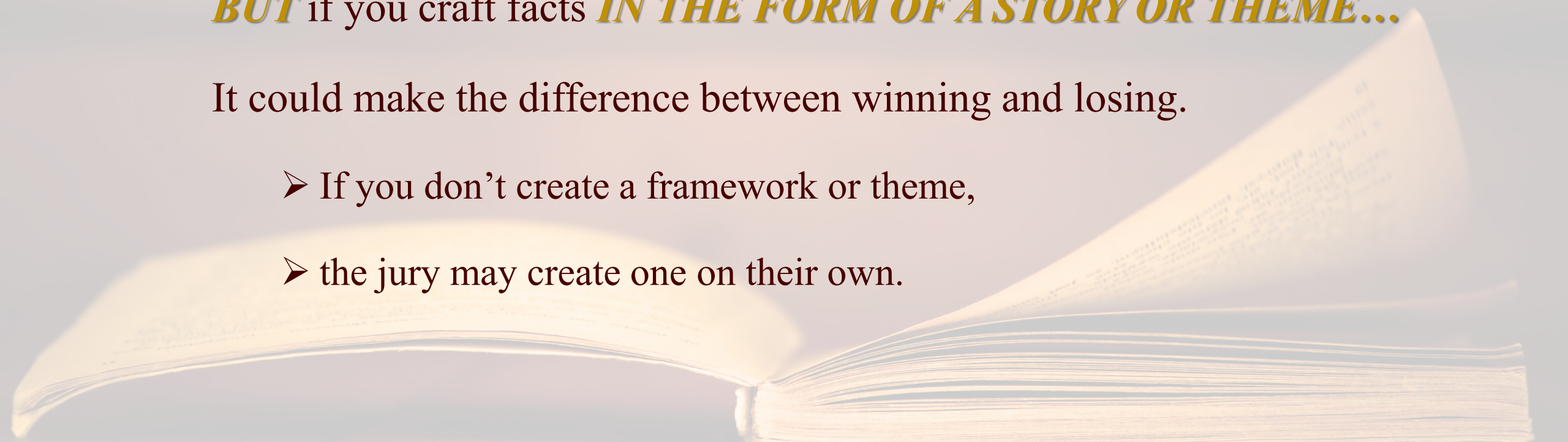
III. After a 2-3 Week Trial...

Jurors may not remember crucial facts,

BUT if you craft facts ***IN THE FORM OF A STORY OR THEME...***

It could make the difference between winning and losing.

- If you don't create a framework or theme,
- the jury may create one on their own.



STORY TELLING AND THEME BUILDING

IV. Story Building Begins in Jury Selection



STORY TELLING AND THEME BUILDING

V. Opening Statement

I always begin with...

1 or 2 Sentences

then...

STATEMENT



STORY TELLING AND THEME BUILDING

VI. Nelson vs. Bay Area Transit (BART)

Opening Theme Statement...

S.F. man who lost a leg after being dragged by a BART TRAIN gets the largest settlement in BART's 50-year history

San Francisco resident David Nelson said he became wedged between a train's sliding doors and the platform as he tried to exit at Powell Station on Feb. 11, 2021. As the train sped away it "violently dragged" Nelson, according to the lawsuit, causing such severe injuries to his right leg that it needed to

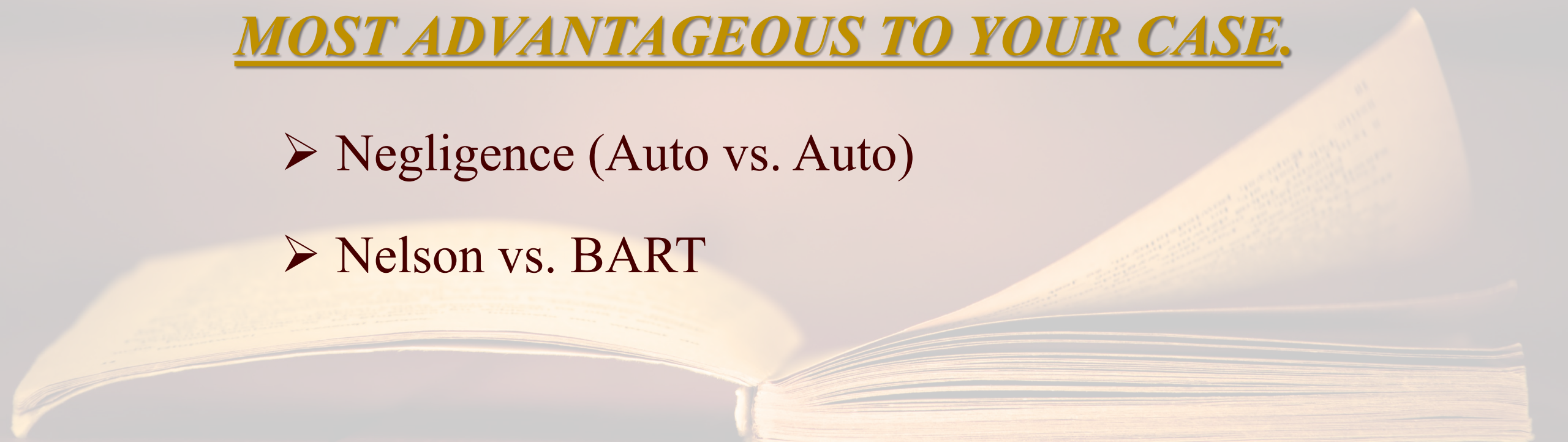
STORY TELLING AND THEME BUILDING

VII. Story / Theme

- Should be Told from Point of View

MOST ADVANTAGEOUS TO YOUR CASE.

- Negligence (Auto vs. Auto)
- Nelson vs. BART



STORY TELLING AND THEME BUILDING

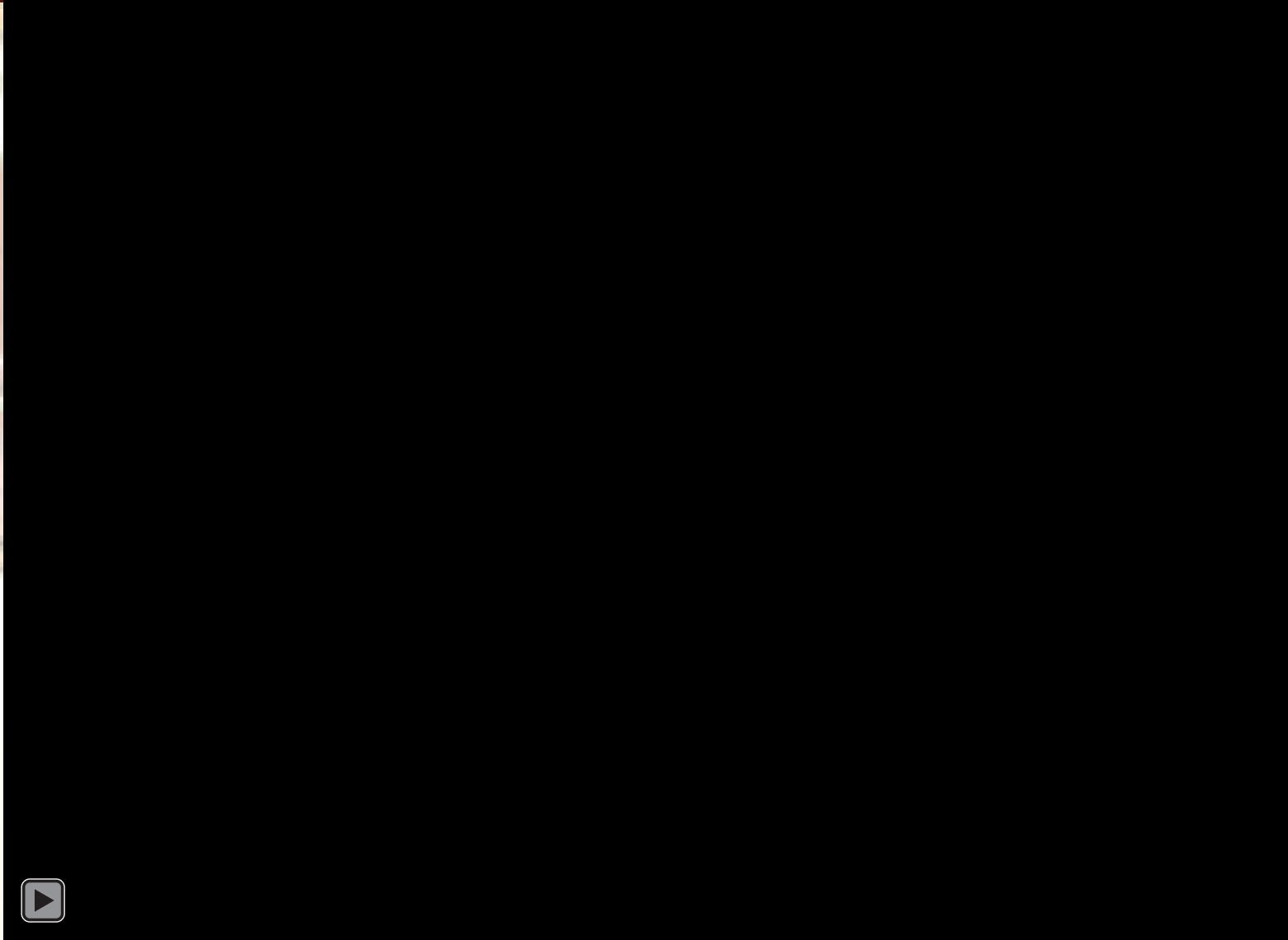
VIII. Breach of Duty of Common Carrier

➤ Should be Told from Point of View

MOST ADVANTAGEOUS TO YOUR CASE.



NELSON vs. BART



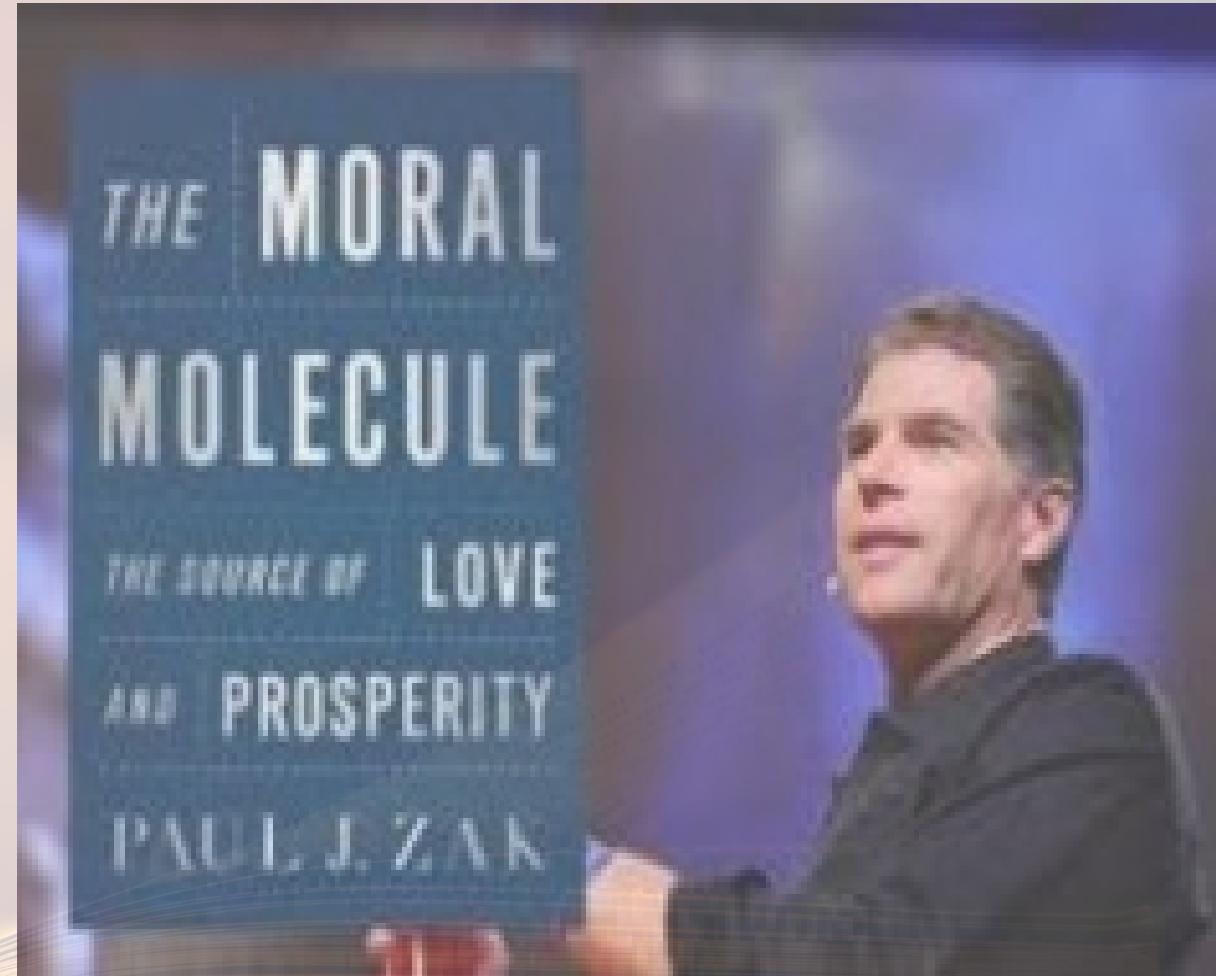
NELSON vs. BART



STORY TELLING AND THEME BUILDING

IX. The Human Brain Loves STORIES

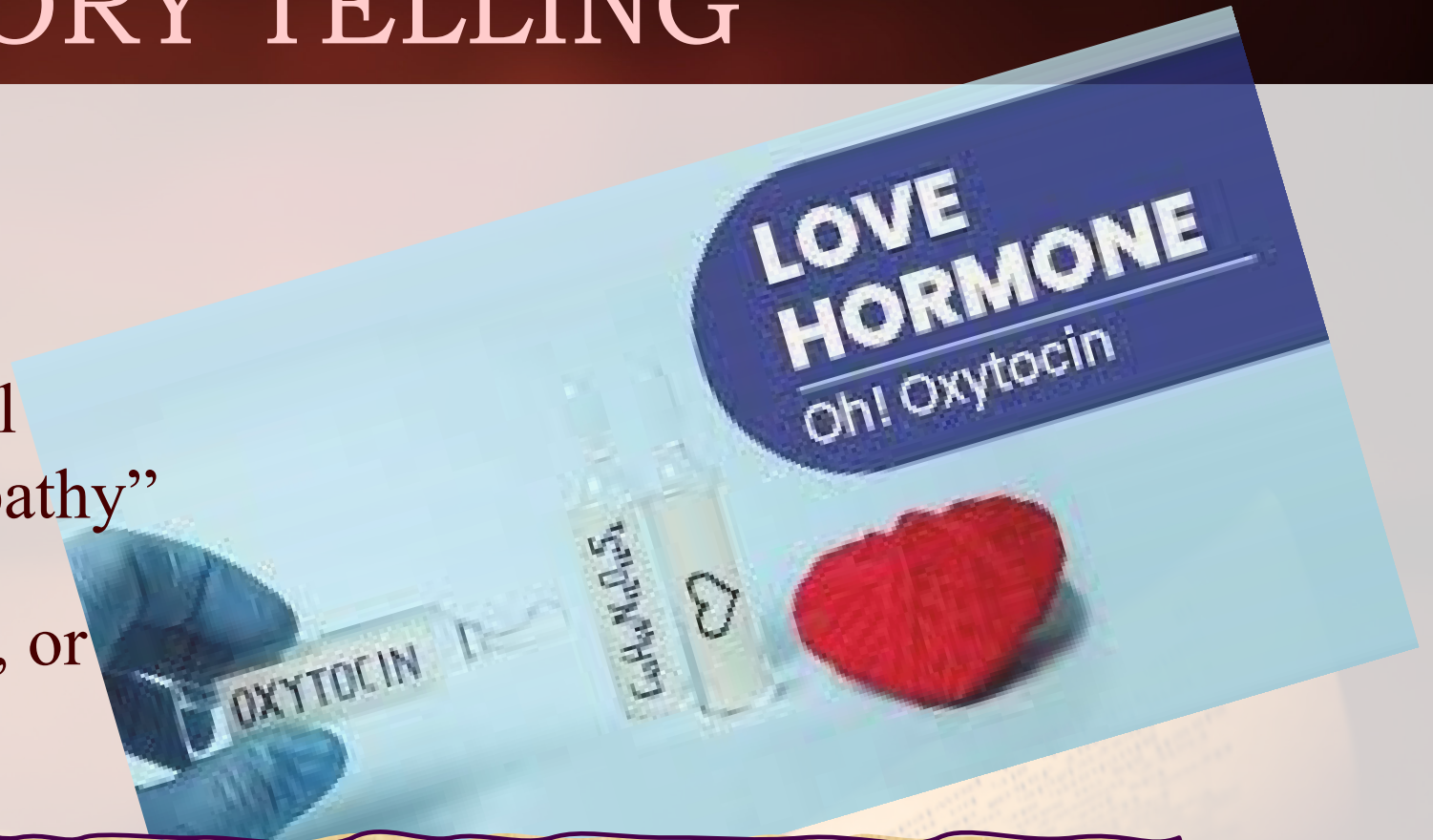
- Two *KEY ELEMENTS* to an Effective Story
 - *FIRST*, it must capture and hold our attention.
 - *SECOND*, an effective story transports us into the characters' world.



THE BRAIN'S REACTION TO STORY TELLING

OXYTOCIN

- “The neurochemical responsible for empathy”
- “The love hormone, or moral molecule”

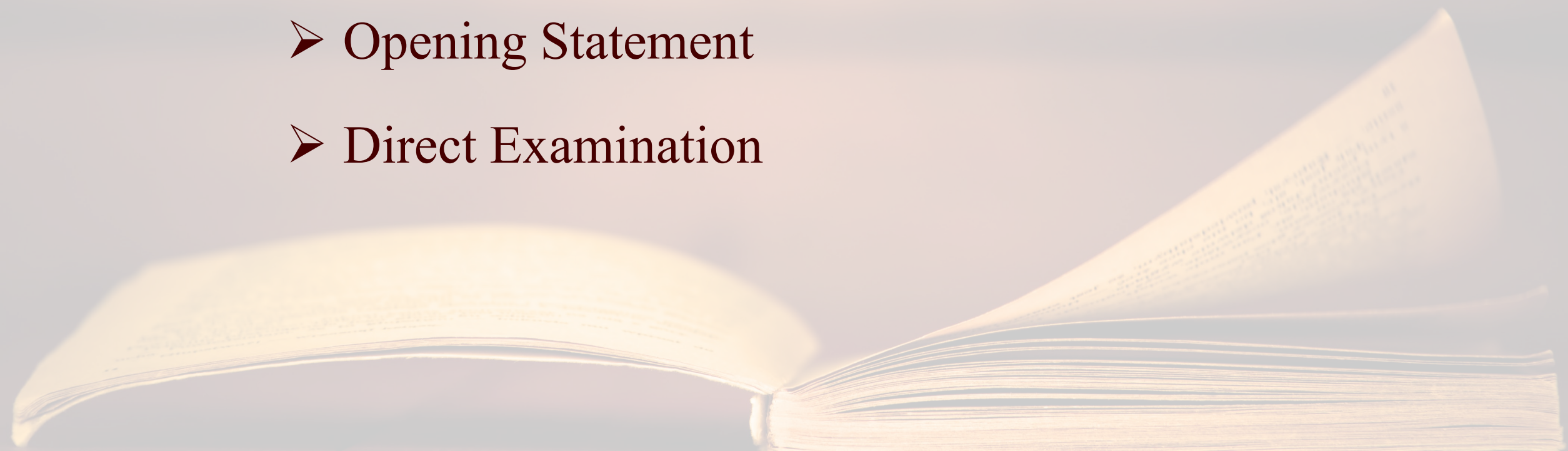


Dr. Zak’s lab has “pioneered the behavioral study of oxytocin and has proven that when the brain synthesizes oxytocin, people are more trustworthy, generous, charitable, and compassionate.”

STORY TELLING AND THEME BUILDING

X. Humanize Your Client

- Jury Selection
- Opening Statement
- Direct Examination



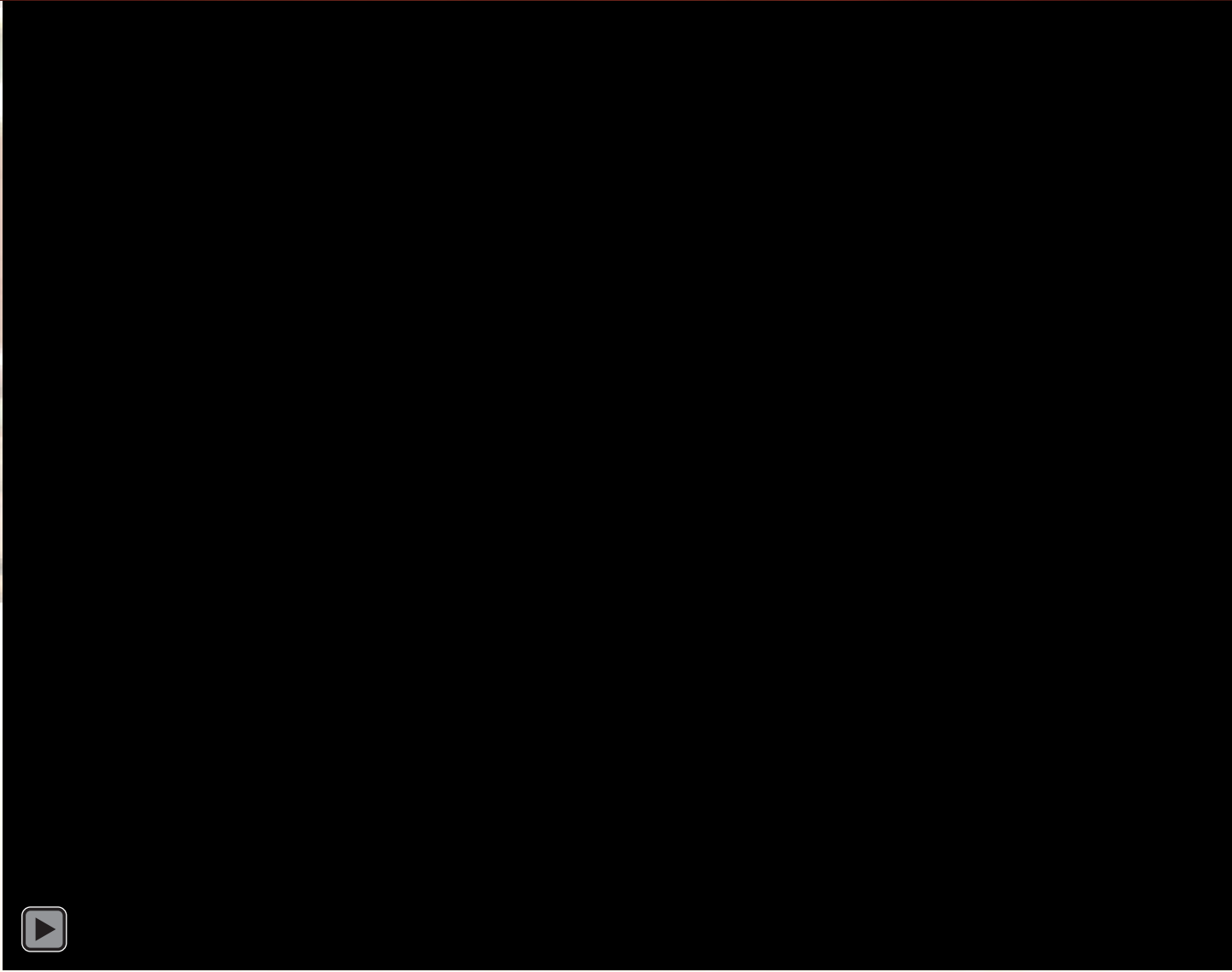
STORY TELLING AND THEME BUILDING

XI. Engage as Many of the Jurors' Senses as Possible

- Sight
- Sound
- Touch
- Taste
- Smell



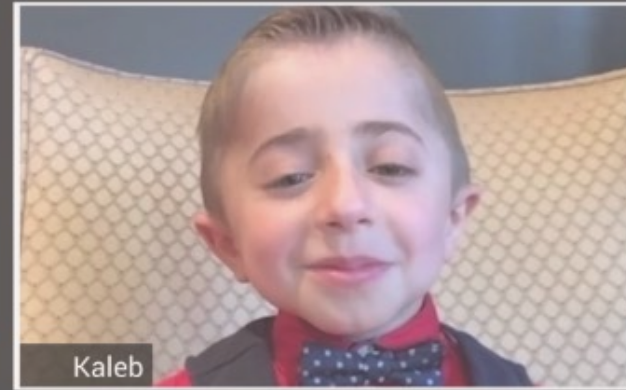
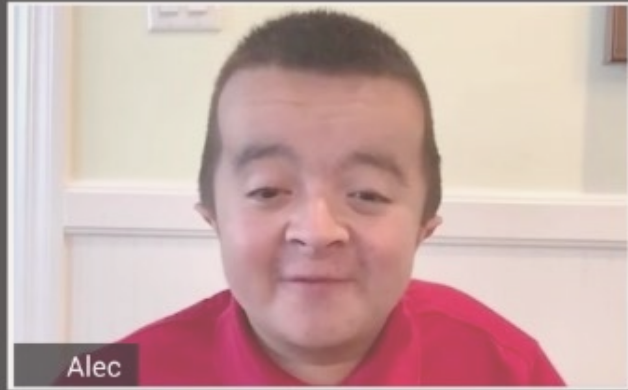
NELSON vs. BART



STORY SHOULD APPEAL TO THE SENSES



TELLING YOUR STORY ABOUT DAMAGES



Questions?





John E. Sweeney

Principal, The Sweeney Firm, Beverly Hills, CA

John E. Sweeney, the son of a lawyer, has been fighting for justice for his clients for four decades. He is a nationally-known trial lawyer. The driving force in his career has been to protect the rights of average citizens against the wrongs of large corporations and public entities.

After graduating from the University of Southern California and California College of Law in the 1970's, he was hired at the Los Angeles County District Attorney's Office by then Assistant District Attorney Johnnie L. Cochran, Jr. When Mr. Cochran left the District Attorney's Office to reestablish his private practice, Mr. Sweeney joined him where they worked on some of the largest civil rights cases in U.S. history.

In the early 1980's, Mr. Sweeney founded The Sweeney Firm in Beverly Hills, California, and has specialized in serious personal injury and civil rights cases.

Mr. Sweeney has had over 200 jury trials over the course of his career, many resulting in multimillion dollar verdicts for injured individuals. Some recent verdicts and settlements include:

- *Pickett v. County of Los Angeles* - \$2 Million
- *Beaty v. City of Los Angeles* - \$2.8 Million
- *Lockett v. County of Los Angeles* - \$2.9 Million
- *Taylor v. County of Los Angeles* - \$7 Million
- *Thomas v. County of Los Angeles* - \$7.5 Million
- *Nelson v. Bay Area Rapid Transit District* - 9.1 Million
- *Burley v. County of Los Angeles* - \$12.5 Million

Mr. Sweeney has many more verdicts and settlements (too many to list) over the million-dollar mark during his remarkable career. Mr. Sweeney is 36th lawyer in the history of the State Bar of California (California Lawyers Association) to be inducted into its Trial Lawyers Hall of Fame.

Mr. Sweeney is in high demand as a speaker on trial tactics and strategy, and the American judicial system. He has lectured to many groups including:

- National Bar Association Trial Advocacy Convention
– 2016, Toronto Canada
– 2017, New Orleans, LA
– 2018, New York, NY
- Idaho Trial Lawyer Association Annual Convention, Sun Valley, Idaho (2018)
- American Board of Trial Advocates (ABOTA) International Meeting, Barcelona, Spain (2019)
- ABOTA San Francisco Chapter Masters in Trial Seminar (2020)
- Consumer Attorneys of Los Angeles (CAALA) (2022)

Mr. Sweeney has appeared on many network television shows including Good Morning America, CNN and many others. Recently, in the case of *Donta Taylor v. Los Angeles County Sheriff's Department*, Mr. Sweeney made international news in exposing the existence of violent gangs within the Los Angeles County Sheriff's Department. These secret societies' members receive matching tattoos after committing violent acts against innocent citizens of Los Angeles County. The fallout from this scandal rocked the City of Los Angeles to its core and caused sweeping changes in law enforcement. In 2022, *New York Magazine* published a 5,000-word intellectual property Article on Mr. Sweeney's 20-year odyssey in exposing Sheriff's gangs.

Mr. Sweeney has received many awards including:

- 2022 – California Lawyers Association *Trial Lawyers Hall of Fame*
- 2022 – Los Angeles Business Journal *Community Impact Award*
- 2021 – Consumer Attorneys of California (CAOC) *Street Fighter of the Year Award*
- 2021 – *California Lawyer of the Year Award* presented by the *San Francisco/Los Angeles Daily Journal* newspapers.
- 2017 – *National Bar Association Trial Master Award*. This was the inaugural award given by this organization which has been in existence since 1925.
- 2012– *Drum Major For Justice Award* given by the Rainbow PUSH Coalition civil rights organization.

Mr. Sweeney is an avid sportsman, having scaled 19,000 ft. Mount Kilimanjaro in Tanzania, Africa, and plays tennis regularly. He is a lifelong member of the venerable Holman United Methodist Church in Los Angeles. He divides his time between residences in Los Angeles and La Quinta, California. For 40 years, he has been married to Cheryl Blanchard Sweeney and they have one adult daughter.

Mr. Sweeney has been invited to fellowship in several invitation only/highly selective Bar societies, and sits on the National Board of Directors for the American Board of Trial Advocates (ABOTA).



Norman J. Rodich is a partner with the law firm of Palmieri Tyler in Irvine, where he has focused his practice on business and real estate litigation since 1986. He is an advisor to the Executive Committee of the Litigation Section of the California Lawyers Association and Chair of the Litigation Section's Programs Committee.