

TAKE THE STAND LIKE A CHAMP: TIPS FOR PRESENTING WELL IN FAMILY COURT

By Paul Nelson, Esq



We all know divorce can be emotionally devastating. Experts say it takes less than a second to sum a person up. This makes it even more critical to make a great first impression in court. After all, many of the things you hold dear hang in the balance during a family law proceeding: your home, your property, and most of all, if you have children, your kids.

This is why in my new book *Divorce Happens: Your Ultimate Guide to California Divorce* (Greenleaf, 2023) I stress the following axiom: Everything you do during a trial accomplishes one of two things: building—or eroding—trust.

Malcolm Gladwell is also a proponent of strong first impressions due to our tendency to make snap judgments. In his 2005 book *Blink: The Power of Thinking Without Thinking*, the bestselling author explores how humans developed the ability to size up a stranger literally in microseconds.

Such intuition is one of the reasons we've been able to survive for millennia despite our many physical deficits compared with other species. Experienced lawyers, especially the family law variety, hone this skill to a fine edge; they are able to assess a witness' veracity based on a brief conversation or a tell as subtle as a slight hesitation during a response.

Unusual word choice is often a dead giveaway someone is hiding. It's also something that can erode or build trust in court. Those who feel vulnerable choose their words *very* carefully. Example: At trial if I ask a husband, "Did you ever keep a separate bank account?" and his response is, "Not that I know of, but I really can't remember," you can sense something is off.

It's a thread any qualified attorney will pull.

Of course, at some point in a divorce trial you'll be asked to take the stand. When you respond to a question, please do so directly to the question asked. This means if the question requires a yes or no answer,

just reply yes or no. Don't go beyond that. And don't *explain* why you responded the way you did unless specifically *asked* to do so.

Also, try to keep all your answers short, sweet, and to the point. And keep as much negative emotion out of your voice as possible. (*Positive* emotion, on the other hand, always works to your benefit, again building trust.)

Another way you can build trust in court concerns how you dress.

This also comes back to the human tendency to size someone up fast. It's been nearly 50 years since John T. Molloy's *Dress for Success* published. In the time since, fashion has changed significantly. But the idea you'll be judged—sometimes harshly—based on your wardrobe remains as valid today as it was during the Ford administration.

How you look *will* make an impression and could bias your judge long before you or your attorney utter your first word. Again, this is because initial impressions are usually quick and subconscious.

Below are guidelines for "dressing for success" in court. This may seem trivial, but you cannot easily undue a first impression!

Women: Dress as if you are going to your most important job interview. Be conservative. An outer layer, such as a jacket or blazer, is a strong choice. I recommend red. It shows strength and confidence. You can't go wrong with dressing up.

Men: You can't go wrong with dressing up, either. A suit and tie are ideal. I suggest wearing a navy suit (sincere blue), white shirt, and a conservative tie. Shined shoes are a good idea. It's also helpful to approach court as if you are going for an important job interview.

It's been said the side with the best story (based on facts) often wins. While true, it's also the case that what you say, your appearance, and most of all, how you carry yourself in trial, can affect the outcome. Be sure that in all three areas you are building—not eroding trust—to achieve the best results.

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