The Whole Lawyer Podcast with Joshua Karton

Ken Turek: Hello everyone and welcome back to The Whole Lawyer podcast. I am your host, Ken Turek and I am delighted that we have as our first in-studio guest Joshua Karton, who some of you may have had the opportunity to work with. Josh has worked with tens of thousands of lawyers across the United States, helping them with communication skills and their presentations to groups, and especially those lawyers that go to trial and their interactions with jurors, witnesses, etc.

Just as a little bit of a background, Josh has taught at the AAJ's, that is, the American Association of Justice's, National College of Advocacy. He has taught at the Gerry Spence Trial Lawyers College, where I met him, and several institute of trial advocacy colleges including the JAG Corps ABA programs and many others. He also has taught at the School of Theatre at the University of Southern California at the law school there. He works with the trial team at Loyola Law School and teaches at California Western School of Law in San Diego.

And one of the reasons that I asked Josh to be our first guest is because in our business we run into a lot of conflict, we run into a lot of angst and pressures, and it can be very trying at times. And so it's good to work with people that are fun, that you enjoy working with, that can teach you things or work with you and enjoy the rigors, if you will, and Josh is that type of person. And so welcome, Josh. You're such a fun guy.

Josh Karton: [Laughs]

Ken Turek: Thank you for showing up, and you can get rid of that clown hat right now. No, I'm just kidding. Thank you for coming.

Josh Karton: Thank you.

Ken Turek: What I would like to do is start with something that I would hope you could share with the folks in the audience about what the difference is from the lawyer that is or the presenter that is tied to the script as opposed to the presenter that has a relationship with the audience, more tied to the audience than with the script, and if you can give us some thoughts on that, and I think that would help us maybe in our presentation skills.

Josh Karton: The first thing my mind goes back to is that we had to memorize and recite in school, in my time it was the prelude to Evangeline by Henry Wadsworth Longfellow. And now I work with young lawyers that have never even heard of him, but you canvas the class, "What did you have? Well, it was the Lord's

Prayer, it was the Gettysburg Address," and everybody can pretty much agree that they were told, "Don't look at the people."

Don't look at them. Find a place above their eyes and pretend to look at them, because what would happen is you could get distracted. And if you flubbed a syllable, and you weren't allowed to say, "I became so engaged with who I was talking to." That trumped the test for absolute veracity of verbatim memorization, right? No. You get marked down. And so you get taught that following the script is the important thing, and the eye contact, connection with the listener, has to be faked.

That is a…loyalty to the script, that's a writer's concern. In law school, that's what they train – they train you as writers. In live communication, it's the reverse. I mean, I just heard somebody say that better you lose 10 facts than one juror. And if you are more concerned about getting everything right on the page, then you're not talking to the people who are there. You're talking to the ghost of your law school professors whose concern was to make sure that you had it properly memorized.

There's a wonderful director, an actress, her name was Joan Darling, and she said, "Great acting, like life, can be what happens when who you're talking to suddenly becomes more real to you than what you'd come on stage thinking you were intending to say." When I play Shakespeare, I can't change one line. I can't even change a pause because the rhythm in which it's written speaks to the character and the state of mind. But nobody's going to leave that theatre going, "My God, the way that actor remembered every word perfectly, what, that just changed my life!" It has to be coming to me because of what's happening in the moment with the people. And if we want the juror's to take up this story and make it their own and be impelled to provide an ending, then they can't just be some passive recipient of a demonstration of perfect memorization.

Ken Turek: Okay. What do you say to, you know, I mean, we're trained in law school to…I always say, like if you look at your hand, "Follow the branches of the tree out to the end of the branch and get all those facts straight and understand them," and you know, we're paranoid that we're going to leave something out.

Josh Karton: Well, actually paranoia is unreasoned fear, and it wasn't unreasoned because if you did you were shamed.

Ken Turek: Right.

Josh Karton: [Laughs]

Ken Turek: No, it's true. Yes.

Josh Karton: Which does not encourage bold advocacy.

Ken Turek: [Laughs]

Josh Karton: But the jurors, their priorities are different.

Ken Turek: Okay, tell us about that. What do you mean?

Josh Karton: Now, that's not just that they're careless or they don't take it seriously because it's astonishing, I mean, even in focus groups, how deeply people care, how deeply they take the responsibility. But they're absorbing information in a story form. It was how we're programmed to do it. We're hardwired for that. And so if the information doesn't unfurl itself in the format of story, it's not being absorbed, and actually because this appetite for story is relentless, they're going to start telling themselves a different story, whatever that story may be. They may be saying to themselves, "Oh my God, he looks like my high school English teacher who never looked up from his notes, and when I read about that scandal about…" You know, I mean, they're off because this generating of story is ceaseless.

Ken Turek: Right.

Josh Karton: So I got to a place as an actor where I would memorize the script before the first rehearsal, and you know, you always hear the other…Brando wouldn't even look at the lines because he didn't want it to get in the way of the performance and they'd have to write them in little places on the set. I didn't approach that level of mastery.

Ken Turek: [Laughs]

Josh Karton: So I wanted to know the whole script ahead of time so I could forget it, so I could be completely free to the moment and what's happening. I mean, I will see a lawyer talking to a jury and some audible sound will arise, erupt off to the left. Somebody will go, "[Gasps]."

Ken Turek: Right. Or a phone will ring or something.

Josh Karton: No, I'm talking about from the jury. Some sound of response. And the lawyer will ignore it. Because the lawyer is at this point concerned that he will be distracted from his…

Ken Turek: Script.

Josh Karton: His script. Where you're getting exactly what you're hoping for and your priorities are turned around, and so you are communicating to the jury, “Don’t get on board,” [laughs] “because it'll get in my way and I really don’t have time for that.”

And so, I mean, one thing to do is, yeah, I mean, if you write it out word for word, that’s not wrong, but I'll have somebody who does that memorize it and then take the pages that it's written on and shred them. And throw them up in the air. So they can stand under it and realize that that's paper. That’s confetti. That’s a step I took along the way to get these words inside, but it's not about the words.

Ken Turek: Now, when you work with someone, I ask you to come in and help me on a case and I stand up and I say in lawyerly fashion on the…and you say, “Start your case. Give me an opening statement, two minutes of it,” and I say, “On June 14th at blah, blah, blah 10:30 a.m., Mrs. Jones was walking across the street,” or “Acme Truck Company was delivering goods,” in that lawyerlike fashion – how do you step away from that? What do you teach the lawyer to do or where do you go from there?

Josh Karton: There are so many ways to do it. If you…or are you just alone in the office with me or do we have a group of people who are being your jury? Because it will determine the best way in.

Ken Turek: Oh, alright. Well, let's just assume we have a jury, like a mock jury.

Josh Karton: Okay, great. Well, then the first step will be for you to be in the chair at counsel table and establish eye contact with every juror before you start to talk. And you think you're going to do that and you will ask the group, “Okay, who here got looked at?” and two hands go up.

So then we start again, and you'll be impatient because you want to get to the talking because in your mind the talking is where it starts. For the jurors, it starts long before the talking. The talking is the end of a relationship…it's the least, you know, it's the fruit at the end of the bough on the tree. It's the least of it.

Ken Turek: So what…I'm not following you in the sense that…

Josh Karton: Well, I'm in communication. I'm completely incoherent. Of course, you're not following me.

Ken Turek: [Laughs]

Josh Karton: So we will spend a lot of time with just your…before you even talk…

Ken Turek: Your being, your presence.

Josh Karton: …connecting to the jury so that they are waiting to hear, so that you've earned the right to ask them to absorb information that's in spoken language because you've been respectful enough to look them in the eye and to have them know that you can be looked in the eye. And at the beginning you'll think, "Oh, this is taking forever," and what you find is that when you start talking then, not only has your voice dropped half an octave everybody is leaning in wanting to know what you're going to say, and you realize that you don't want to start with the date. Because nothing about why your client was harmed happened because it was June 14th.

Ken Turek: But I think part of what we see or what I feel sometimes is it's just a fear of missing something, and I guess it's ingrained in law school when the professor or the moot court board looked down at you and said, "Well, what's the name of that case and what's the citation and etc." And so how do we remedy that? How do we fix that feeling in me that I need to hit all these things to be complete?

Josh Karton: Well, it can't be an either/or. You have to be prepped, you're allowed to take a second to go find something if you need to, if it's not right in front of you, but the jurors aren't going to make their decision based on being of secondary importance to you and your sense of false security being of first importance to you. Yes, you are scared. It's one of the things that honors me in getting to be of service to you. You've taken on really a sacred task, which is to protect us. And then also, just the basic physiological event of public speaking is very terrifying. In the galvanic skin response research, it ranked first over death, and the only real antidote to that is to go to the place that you're scared of and face it, because otherwise you're just trying to always outrun it or hide from it.

So that's why this exercise of starting in silence, just being able to let people look in your eye and breathe, once that's done the language can come, and if you have to go and refer to a note it's not a sin. It's not something to be ashamed of. But it does get drilled into you in law school that it is. Your whole credibility is questioned unless you can fling back the information that you're being called upon to deliver.

Ken Turek: [Laughs] Right. You're rewarded for it in law school.

Josh Karton: Yeah, and, well, the other thing you're rewarded for in law school is analysis.

Ken Turek: And pessimism, but let's not go there yet. [Laughs]

Josh Karton: Yes. And the one who can analyze something the best is the one who gets awarded, right?

Ken Turek: Yes.

Josh Karton: Analysis to a place of like platinum constipation.

Ken Turek: [Laughs]

Josh Karton: We can't go any further in discussing this because you have analyzed it so fully that nothing more can be said about it.

Well, advocacy is about gathering people and moving them into a solution and action. So they're not the same priorities, and the writing has to serve the relationship that you have with the jurors. Because I can have a brilliant phrase and my tone of voice can completely undermine it. I mean, I can say, "I love my client," and it's very clear that there's, you know, a disconnect there.

Ken Turek: [Laughs] Something else going on, sure.

Josh Karton: Right. So this memorization thing is very interesting. I mean, I've taken lawyers into the courtroom the day before the trial starts and we've written on giant butcher block the outline and we've put it up on the wall behind the jury box and they do the opening, and then we take it down but the next day when they're in the courtroom they have had the physical experience of the jurors being on their desktop between them and their notes as opposed to the jurors somehow…

Ken Turek: Oh, being beyond.

Josh Karton: …being…right, where they're trying to hallucinate the invisible teleprompter of their legal pad and the jurors are behind that so there is no wall between them and the jurors.

Ken Turek: Separate. Makes sense.

Josh Karton: So it doesn't matter how you solve it but you want to see it as something to solve because what the notes are not, the notes are not alive, the notes are not physical. It's like going into a restaurant and [laughs] you order off the menu and then they bring you the cut-up words from the menu on a plate out of the kitchen.

Ken Turek: [Laughs]

Josh Karton: It's not the living stuff.

Ken Turek: [Laughs] Okay. That's a Monty Python skit. [Laughs]

Josh Karton: Yeah.

Ken Turek: Well, let me go to something you said. You said if you…and I think this is something that, you know, I've been a trial lawyer for over 30 years and for fun I get on the stage and do comedy…

Josh Karton: Which by the way I would find harrowing.

Ken Turek: Oh.

Josh Karton: I don't think there's anything more frightening than standup.

Ken Turek: Yeah, it's very exciting, let's put it that way, especially when it's…

Josh Karton: I know. I mean, it's like bungee jumping is nothing compared…

Ken Turek: [Laughs]

Josh Karton: It really is leaping.

Ken Turek: But where I'm going with it is I am still afraid, I am still petrified in the performance anxiety before I get up. Once I'm up, once I'm in the courtroom or once I'm working, I settle down. But, so what do you do…? I mean, I have my own way of dealing with it, and you said face your fear, I mean I actually will talk to this fear I have because I see it as an ally. It takes me to great places. It's been with me when I've accomplished great things. So when I accept it, it becomes my friend rather than this struggle I have with it. And I don't know if that makes sense but…

Josh Karton: Of course.

Ken Turek: I mean, you could see me driving to court and in my passenger seat is, "Hello, Mr. Fear," whatever. But it helps me deal with it in my mind and in my preparation. So, sounds a little strange but then it is strange, but it works for me…

Josh Karton: But you really don't think it is strange. I mean, we say that in a kind of apologetic way, but it's not strange because you have to…you have to be stepping into what you're doing, not trying to escape it.

Ken Turek: Yeah. Well, strange in the sense that you're talking to yourself in the car or whatever, but…

Josh Karton: Better you talk to yourself in the car than [laughs] while you're talking to the jury.

Ken Turek: [Laughs] Yeah. That's true. Well, hello, Mr. Fear. Hello, ladies and gentlemen of the jury. Let me introduce you to Mr. Fear.

Josh Karton: [Laughs]

Ken Turek: No, but…

Josh Karton: It's a Jim Carrey movie.

Ken Turek: Yeah, exactly. [Chuckles] But you know, what do you do with somebody that comes to you and says, "You know, I…" whether it's…and let's face it, lawyers are not just trial lawyers, I mean we're presenting to boards, we're presenting to community groups. I mean, we're always asked to present. People in law…the law students are asked to present. Legal assistants are asked to present. What do you say to somebody that just says, "I get that response that you talked about before. I am more afraid of this than snakes or bungee jumping or whatever. What do you do? How can you help me if I'm that person that comes to you? What will we do?"

Josh Karton: The first thing is to identify, "Do I want to do it?"

Ken Turek: Then you say no and then the day is over. [Laughs]

Josh Karton: [Laughs] Right. Well, actually that's generally a first layer of defense and they do want to do it or they wouldn't be there.

Ken Turek: Yeah, exactly.

Josh Karton: This is why I keep going back to "be willing to stand up in front of people without talking," because it connects you to the base minimum, which is "I am going to deal with being here. I'm going to deal with being seen. I'm going to find a way to tolerate that I'm standing up in front of you with all my body issues, with all my terror, with all of my anxieties, with all of this responsibility, and I'm going to breathe, which is the minimum I need to be here."

Ken Turek: How long can you take though? I mean, you're not going to sit there and smile at everybody and just look at them. I mean…

Josh Karton: Well, it's building a muscle. It's like any physical training. Once you've learned to tolerate it and do it, it can happen pretty quickly, but however long it takes in the training is how long it takes. Because if you insist on start talking…if you insist on beginning to talk you're there, then you're still trying to catch up, and they're not really listening because you're not really talking to them.

Ken Turek: Yeah, you're talking at them.

Josh Karton: You're talking at them, you're talking to yourself, you're talking to your own anxiety. So, you're there and you're willing to tolerate being there unprotected by your entire law school education and language. Now, then I have to know the real core essence of why I'm there and what I want to communicate. So put aside your

script and let's see, if all you had was 10 words or all you had was 30 seconds, and put aside all the rules and all the CLE things and all the forms in which now is supposedly the best way to do it, and if all you had was 30 seconds and these people, what do you need for them to know? And that can take quite a while to get to really, what people call the bottom line.

And there's an exercise called The Telegram that we developed years and years ago if you only had 10 words and those 10 words had to fulfill the requirements of a story, which is a beginning, a middle and an end, and for the courtroom the end has to be provided by the jury. So you have to in those 10 words make sure they know what you need them to do. No legalese, sensory language, active verbs, and in the present tense because in real life we tell stories in the present tense. That's how we talk. "So, how was your day, dear?" "You're not going to believe this. I'm coming out of the elevator," not "I was coming out of the elevator." And find out why you connect to it so that you're speaking from a personal place.

Ken Turek: And you're trying to touch that personal place in the listener.

Josh Karton: Right, and you have all these rules about why it can't be personal in the language and why they're not yet ready to feel your personal passion and argument, you know. Golden rule and all that stuff. But you can't be talking from a place of abstraction because that won't compel you to connect.

Ken Turek: And I think it comes back to just trying the best you can to be a human being in front of that group.

Josh Karton: You know, we hear that and it's absolutely true, but I always find something like that so daunting because it hits my most vulnerable place, you know?

Ken Turek: What do you mean?

Josh Karton: Well, I've never gotten like in a moving violation, so I'm a good driver. I have nice penmanship, people always say that. I pay my tax…all of that. But as a human being, [laughs] I mean…

Ken Turek: Oh. Oh. [Laughs]

Josh Karton: Oh, oh that.

Ken Turek: Oh that. [Laughs]

Josh Karton: So I have to break it down into a few activities. I have to be willing to be seen, willing to be heard, to talk to one person at a time out of this group because there's no such thing as group eye contact. I have to have distilled down my message for myself sufficiently that if all I had was, as I say, 10 words, I know

what they need to be. And if I'm willing to boil off all of the other stuff that comes with the nervousness, the nerve-wracking responsibility, all of the legal requirements, and get to that core message, then I can start adding language without diluting the commitment to being right there and talking from my heart.

Ken Turek: When you say that, it reminds me of the times when that has happened to me, and when it happens to me, it's freeing.

Josh Karton: It's thrilling.

Ken Turek: Because I don't have all those restraints and I'm simply talking and just…

Josh Karton: It's not even you. It's coming through you.

Ken Turek: Yes.

Josh Karton: The truth is using you in order to get through and get out. And you know…

Ken Turek: Yeah. It's from the inside out, if you think about it.

Josh Karton: …what's this, John Lahr, who was the son of Bert Lahr who was the Cowardly Lion, was writing about the difference in Robin Williams between his standup and the movies that he made, and he said that in the standup…the movies can be corporate creations, but in the standup he is expressing himself beyond the script. Even beyond self-awareness, newly minted in this moment. That's just so beautifully put.

So no part of you is…well, I won't say no part of you, because there's always a little part that has to be responsible for what comes next so that I don't say it in an objectionable way, that this is admissible, all that stuff, but that your principal relationship is to the listener getting it. And that is seen. That's readable. The listener feels your caring that they get it.

Ken Turek: I see this tying into what you talked about earlier with the storytelling, that…and does it? Am I right on that or am I wrong? Because I think if we communicate in so many different ways by story, doesn't that show that I care for you, I'm taking the time to explain this in a real personal way rather than some antiseptic analysis?

Josh Karton: [Laughs] I'm laughing because I think of how many times are we with somebody who we know well and we love them, and we're with new people and they're starting to talk, and you're thinking, "Oh God, here we go." [Laughs]

Ken Turek: [Laughs]

Josh Karton: It's the football story or it's the...

Ken Turek: “So there we were…” [Laughs]

Josh Karton: [Laughs] Right.

Ken Turek: Yeah.

Josh Karton: “Little did I know.”

Ken Turek: Right.

Josh Karton: Because this group is different from any other group, you can have told the story and you can have done all of the work so that you're personally connected to what you're saying, but the people will feel if it's being monitored moment to moment by an awareness of who they are and how you're seeing them receiving it.

Ken Turek: That makes a great deal of sense. I mean, I feel, and it's going to sound weird, but I feel what you just said. I don't know if that makes sense but it's a sensory perception.

Josh Karton: Yes, it's a live human event. It is not happening on the page. Which is why the relationship to the notes has to be severed. It's not ultimately that it's wrong to work on language. I've worked and lived as a writer. I've, you know, wept. Actually, once I was so frustrated, [on an] IBM Selectric II, I banged my hand and was bleeding. I bled over the words. And in a live human event the words themselves don’t fulfill it. It's not that they are to be disregarded, but they're only a part of what has to happen. And ultimately, the jurors can't just be an audience to you, because an audience can leave at the end of the play. They can go to the bar and they can talk about it. We need to make sure that these people that we're talking to take up the cause and do something about it. So our relationship to them is crucial.

Ken Turek: And you said earlier, you know, the beginning, the middle and the end. Tell us more about that. What do you mean by that in the storytelling?

Josh Karton: Well…

Ken Turek: And the end is…

Josh Karton: Something that’s provided by the jurors. I mean, when I first…I was in at the acting conservatory and the executive director disappeared for a while and he was on jury duty, and when he came back he said, and this is years before I started working with trial lawyers, he said that when they came in with their verdict both lawyers and the judge said, “What?”

Ken Turek: [Laughs]

Josh Karton: Because they did not understand, the jurors, what they were being asked to do. In several cases, and I don't know if I should be specific in referring to which ones…

Ken Turek: Just a minute, let me ask my lawyer. He says no, no. Whatever.

Josh Karton: Jurors, when they find out what their verdict actually means, can be outraged at the consequences. One of the famous ones was where…in the Beverly Hills Madam case and they thought that pandering was a slap on the wrist, so they didn't realize the consequences that went with that conviction.

So from the very beginning the idea that the jurors were serving them and really orienting ourselves to that relationship, what it means then is that the last fact that came in on the indictment or that my client has told me in a civil case is not the end. The end is something I can't provide. My listeners have to provide it. So it tweaks my relationship to them. They're not receiving a recipe of ingredients. They are the last ingredient. And so it changes how I relate to them.

Otherwise, I think so often lawyers see the jury as providing a postscript to the lawyer's work as opposed to that the lawyer's work is to present to the jury the opportunity to right a wrong.

Ken Turek: And the direction in some way of how to do that, or the reason for it maybe is a better way of putting it.

Josh Karton: Yeah, it's a very narrow channel that I want to escort them in, [laughs] bringing the ship into the port. But I can't be on the vessel with them when it finally docks. And I know this could sound a little dramatic but I've been thinking of it like Moses and the Promised Land. I'm not going to be allowed to go there because they're going to be in the deliberation room without me, and I want them hearing things, which is why there's this wonderful technique of in a closing saying…and if someone says in the deliberation room this or that, remind them, you know, projecting myself in to be with them in the deliberation room.

Ken Turek: Yes, give your friends the ammunition.

Josh Karton: Absolutely. So in the name of not arguing in an opening, too often the jurors are really left not knowing from the very beginning what it is they're going to have the chance to do, and I can't tell them yet to do it because they don't have the information so that they'll want to do it. But the story is theirs, and Steinbeck says that if the story is not about the hearer he will not listen.

Ken Turek: I asked you…

Josh Karton: I know, a long time ago some other question and here we are.

Ken Turek: No, no, no. I asked you because anybody that's seen you present, and one of the things that I love about your work is you surround the room with various quotes and one of the quotes is that Steinbeck quote. I've seen it and they change quite regularly, and there hasn't been a quote from me and I'm a little disappointed, but I'll get you on "two guys walk into a bar," how's that?

Josh Karton: [Laughs]

Ken Turek: No. And I asked you…

Josh Karton: There's this space on the wall waiting, you know, for the Ken Turek…

Ken Turek: Yes, right. [Laughs] Soon as I say something quotable… [Laughs] I'll remind myself whenever it happens I'll call you immediately. Anyway, and I asked you to bring to us a couple of quotes, two or three, and the Steinbeck one is a wonderful one. Can you say that again for us, please?

Josh Karton: It's from East of Eden. "If the story is not about the hearer, he will not listen."

Ken Turek: Yeah, that's so right on. Do you have others that you brought with you?

Josh Karton: Do I have others?

Ken Turek: [Laughs]

Josh Karton: There's pages here I brought. Well, one we've already talked about as it relates to, "The place that seems most dangerous is exactly where safety lies."

Ken Turek: Wow.

Josh Karton: And that's from Barbara Cook, who is an extraordinary soprano in the American musical theatre. And it's with regard to looking those jurors right in the eye before you begin to use language because unless you can face them and are willing to, and that doesn't mean that you're not nervous but it means that you're not going to expect that you don't…you're not going to expect that your erudition and your skill is going to be rewarded with trust. It's your capacity for the truth that's going to be rewarded with trust. And that's why, you know, I…people would say to me, "God, you're so out of the box. How did you get there? If I could have been in that box, I wanted to," [laughs] "deeply."

Ken Turek: [Laughs]

Josh Karton: And that as a young actor, you know, let's say you get cast as a drug dealer on the corner. Now, please, I was in Hebrew school. I mean, I didn't know from that. So

I'm trying to…how do I behave like a drug dealer? I can't. I can only behave like myself if somehow I were in that situation. And so Oscar Wilde said, "Be yourself, all the other ones have already been taken."And I remember being in a…teaching a class at Cal Western and they were given this fact pattern, and the guy had to get up and he had to say, "My client's accused of rape, sodomy and oral copulation. These are heinous crimes." That was the script. And nobody's going to be able to see me doing this but he had his right fist clenched and he was pounding it into his left palm going, "My client is accused of rape, sodomy and oral copulation! These are heinous crimes!" And I said, "How did that feel?" And he said, "Terrible." [Laughs] And I said, "How old are you?" He said, "Nineteen." I said, "You don't know a lot about rape and sodomy, do you?" And he said, "No," [chuckles] in shame, you know? And it's like you get cast as the young actor to play the drug dealer, you're afraid that if you tell the truth of how awkward it would be for you you'd get fired. But I said, "Just try and tell the truth." He said, "But I…I…" I said, "Just try." And he said, "My client is accused of, um, rape, sodomy, and oral…these are terrible crimes." And we had to do a tug of war with the word heinous. I said, "You've never said that in your life."

Ken Turek: Right.

Josh Karton: And the room got dead quiet because he was just finding a way to tell the truth as best he could in those circumstances. I don't even remember your initial question that set me off on this but…

Ken Turek: No, no, no. I guess where I'm coming out on this part, and really it's coming through all of what we talked about, is you have to come from a place to the listener whether it be a juror or an audience member or someone you're speaking to that…maybe this is obtuse, too, but it's your person speaking to their person rather than all the surrounding armor.

Josh Karton: Yes. Your lawyer expertise…

Ken Turek: Right. "Because of…"

Josh Karton: Right. To their role. And that's what I was trying to say, that as a young actor I was so terrified and I had such extreme stage fright that the only thing that could really be an antidote to that was that I was telling a baseline truth.

I found a way to find something so true in that that I could endure the harrowing stage fright of it. And so it may be 1903, we may be outside of Moscow, and my name may be Jermila Gajdosovia but this moment, what I'm talking about, I have found a way to find what in me can believe this. And jurors really respond to that because then there's nothing wasted.

Ken Turek: That takes work.

Josh Karton: Enormous.

Ken Turek: Because we have no training on that or minimal training on it in law school. Nobody's telling you other than maybe you…

Josh Karton: Or the fact you being told to throw that away.

Ken Turek: That's exactly right.

Josh Karton: You're being told to keep that outside the room. How you feel about this personally is not what you're doing here.

Ken Turek: Yes, what do feelings have to do with it, when in fact that's what the jurors are in-tuned to or in tune with, feelings on a feeling level.

Our time is almost up. Is there any last words of wisdom you'd like to share with us, Joshua Karton, Comunicado Extraordinaire?

Josh Karton: Oh, yeah. [Laughs]

Ken Turek: [Laughs]

Josh Karton: Most CLE training gives you a fact pattern and you go in and you work the fact pattern, and this starts in law school. And I'll ask them, "What does the person look like?" and they have no idea. And I'll ask them, "Drop in somebody who you know into the role. Cast it so that you're actually speaking of someone who's real to you. And the life experience doesn't have to be comparable, but just that it be somebody who you care about." And it totally transforms everything, because now they're not just trying to keep track of abstractions like an old felt board in second or third grade. They're talking about their nervous system has kicked in and is participating, and in a way that's what we're talking about in this whole conversation, that what you're saying you have found a way for it to be true for you.

Ken Turek: That's great. Well, thank you.

Josh Karton: Well thank you.

Ken Turek: If people would like to get in touch with you, how can they do that other than Googling Joshua Karton?

Josh Karton: Well, I have a phone number.

Ken Turek: How about that?

Josh Karton: (310) 392-7558.

Ken Turek: Great. Can they reach you by email?

Josh Karton: I have an email. [Laughs]

Ken Turek: [Laughs] Tell us about that, please.

Josh Karton: karton@earthlink.net.

Ken Turek: Beautiful. Thank you, Josh, and thank you so much for joining us and sharing your thoughts with us today.

Josh Karton: Well, thank you. Does your audience know…I mean, you talked at the beginning about my bringing some fun to these things. The responsibility and the stage fright can deaden us, and that's part of what I want to make sure we reconnect the lawyer to. Do they know that you are amongst the people that know you considered one of the funniest, most joyful people that we know?

Ken Turek: I can tell you that I've been laughed out of some of the best courts in the State of California.

Josh Karton: [Laughs] Well, I'm serious though, and this is why I'm grateful you're doing this because you bring an aliveness to what you do, and we're all pretty starved for it.

Ken Turek: Well, thank you, Josh. No, I'm touched. Thank you very much for the kind words. Thanks for coming.

Josh Karton: It's true.

[00:44:41]