

# **Reading and Persuading Your Audience**

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# Your Speaker For This Hour

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## COLIN JORGENSEN

Legal Counsel

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Colin Jorgensen is from Little Rock. He has a bachelor's degree in political science and philosophy from the University of Oklahoma and a juris doctorate degree from the University of Michigan. From 2004 to 2006, Colin worked as an associate at Wright, Lindsey & Jennings LLP in Little Rock. From 2007 to 2017, Colin served as an assistant attorney general and senior assistant attorney general in the Civil Litigation Department of the Arkansas Attorney General's Office. In his 10+ years at the AG's Office, Colin served as lead defense counsel in hundreds of civil cases on behalf of the state, with a focus on constitutional challenges in state and federal courts, and appeals before the Arkansas Supreme Court, the Eighth Circuit Court of Appeals, and the U.S. Supreme Court. Colin and his wife, Eve, have two children — Hank (born 2010) and Suzy (born 2014). Colin is a long-time mentor with Big Brothers Big Sisters of Central Arkansas and a member of the Arkansas Judges and Lawyers Assistance Program (JLAP) Foundation board. He also served on the board of the Wolfe Street Foundation from 2013 to 2015.

Your  
Speaker  
For This  
Hour



Your  
Speaker  
For This  
Hour



# **1. Know Your Audience**

- Know their names if possible.**
- Know their concerns if possible.**
- Tailor the message in a way that resonates with the specific audience if possible.**

# 1. Know Your Audience

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**Colin Jorgensen**



July 7 · 

I'm observing some training for about 60 county-sheriff officials from all over Arkansas and I'm the only one wearing a cowboy hat. Most of them have guns but all I've got is my "pew pew pew" finger gun.



## **2. Speak to the Listeners**

- Speak to the listeners.**
- Make eye contact with listeners.**
- Ignore people on their phones or otherwise not paying attention—they are ignoring you!**

## 2. Speak to Listeners

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Colin Jorgensen

September 7, 2015 · 



Hank continues to be one of the greatest role models in my life. However, I have to filter certain things, such as his present day communication skills. Without such a filter, something like this may happen.

MR. JORGENSEN: Your Honor? Your Honor? Your Honor? Your Honor? Your Honor?

THE COURT: Yes, Mr. Jorgensen. I am listening.

MR. JORGENSEN: Oh, ok. You should dismiss the complaint. You should dismiss the complaint. You should dismiss the complaint . . . Your Honor? Your Honor? Your Honor? You should dismiss the complaint. You should dismiss the complaint . . . You should dismiss the complaint.

THE COURT: You have made your point, Mr. Jorgensen. Anything else?

MR. JORGENSEN: You should dismiss the complaint. You should dismiss the complaint, Your Honor. Your Honor? Your Honor? Your Honor? Your Honor? You should dismiss the complaint. You should dismiss the complaint. Your Honor?

THE COURT: Take your seat, Mr. Jorgensen.

# **3. Preparation!**

- **Practice, Practice, Practice!**
- **Use a Mirror.**
- **Cite Credible Sources.**
- **Avoid Vocalized Pauses.**

# 3. Preparation!



**Colin Jorgensen**

April 28, 2016 · Little Rock · 



I have an oral argument in less than a week. The final stage of my preparation is involuntary, around-the-clock, oral argument with myself. As always, I cannot thank **Eve Gieringer Jorgensen** enough for her unwavering patience and understanding.

# 4. ETHOS

- **Know Yourself and Your Message**
- **Convince the audience that you know what you're talking about.**
- **Know both sides of any argument and present them accurately.**

## 4. ETHOS

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**Colin Jorgensen**



August 26 · Little Rock · 

Wesley Clark is nearly twice my age, and easily swims twice as fast. I'm no champion swimmer, but I'm also no beached whale. General Clark is an absolute stud. Outside the pool today, he wore a Florida Swimming shirt. I wore a Michigan Law shirt. Maybe I could swim circles around him at oral argument.

# 5. LOGOS

- **True Premise + True Premise = Conclusion**
- **3-point Argument Breakdown**
- **Argument/Logic 101: Appeal based on facts/logic and attempts to appeal to the audience's reason.**

# 5. LOGOS: Sound Logic

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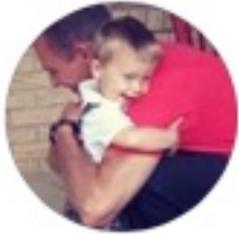


**Colin Jorgensen**



June 12, 2014 · 

I turned on the NBA Finals and for kicks and giggles, I started the LeBron vs. MJ conversation with **Eve**. As I was outlining the merits of each side of this debate for the ages, Eve quietly said: "But can LeBron fly?" And like that, poof, debate over.



**Colin Jorgensen**



February 22, 2015 · 

Someone saw a snowflake in Arkansas. Accordingly, all schools and daycares south of the Mason-Dixon Line are closed until July.

## 5. LOGOS: Questionable Logic

## 5. LOGOS: Poor Logic

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Colin Jorgensen



December 14, 2016 · Little Rock · 

I'm driving my Dad's M5 Bimmer for a few weeks while "my" car (Eve's former car) is on loan to a friend. It dies immediately every time I start it, until I give it gas for a while. Something to do with the aftermarket exhaust modifications or racing chip. Or maybe it's the driver. The other night, I killed it three consecutive times with the Old Man as my witness, in his driveway. Only then, of course. Just now, as I returned to work from lunch, I rolled down the passenger window to holler at some friends on the street. The window jerked and delayed and then went most of the way down even though I released the button as soon as I saw trouble. Now it's stuck 80% open and crooked. The Bimmer takes premium gas (14 mpg) and some sort of liquid-gold oil that probably has to be specially made for each oil change. The racing tires probably last about 5,000 miles. There is a sound system, but I could only figure out how to utilize the radio after spending 10 minutes learning how to turn it on (everything is in German). It has no hooks for car seats, so I had to learn the alternative method to install a car seat with the seat belt.

I love this car.

# 6. PATHOS

- **Emotional appeal—emphasize the audience’s personal connection to the subject matter if applicable.**
- **Invoke an emotional response from the audience if applicable.**
- **Storytelling! Visuals!**

## 6. PATHOS



**Colin Jorgensen**

April 14, 2015 · 👥

Attorney lessons from the first Arkansas Suprer Court oral argument to be broadcast live on the internet. September 16, 2010.

Lesson #1: You may participate in oral argumer on crutches.

Lesson #2: You should not hurl a crutch at the Justices. If your exaggerated hand gestures fai in this regard, you should quietly hop over to ret your crutch, hop back to the podium, and resun argument as if what just happened, did not hap

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# 6. PATHOS



# **7. Message Focus!**

- Don't let anything throw you off message.**
- Hope for the best; prepare for the worst.**
- Take questions if appropriate—but be prepared/focused in response.**

# 7. Message Focus!



Colin Jorgensen

August 8, 2015 · 2



Attorney lessons from federal district court, 2013. You may want to wear full protective headgear when appearing to argue at a high profile hearing. If not, and you catch your eye on the corner of counsel table moments before the hearing and begin bleeding profusely, calmly excuse yourself to the bathroom where you can panic privately. Apply copious amounts of abrasive government bathroom tissue to stop the bleeding, and return to court just in time to get called into chambers. When the judge asks you if you are going to be ok, assure her that you are fine and apologize profusely. Then proceed to do your job as if what just happened, didn't happen.

PostScript: In hindsight, my favorite part about this particular adventure was learning later that **Bradford Phelps**, who witnessed the debacle and informed me that I was bleeding profusely, nearly had a heart attack because he feared that I would have to go to the hospital and he would have to argue the hearing. Second favorite part was joking later about opposing counsel's mean left hook.

# 8. Humility!

- **Humility is underappreciated—it builds credibility and trust.**
- **Humility = Integrity**
- **Preview of #10: Self-Deprecating Humor is a good thing (if done well)**

# 8. Humility!



**Colin Jorgensen**



October 27, 2015 · 

According to an online survey that purports to predict a person's age based upon lifestyle choices, I lead the lifestyle of a 98-year-old. The survey did not even uncover my false teeth or my grandpa driving style, nor did the survey discover my daily commitment to fiber powder. Speaking of powder-related discoveries, I investigated the ingredients of my favorite protein powder and discovered that it is substantively indistinguishable from Ensure.

**#gratefuloldman**

# **9. Body Language**

- Attire**
- Posture**
- Hand Gestures**
- Confidence and Comfort**

# 9. Body Language



# 10. Levity!

- **Almost always appropriate (IMO)**
- **Underrated—Underappreciated**
- **Natural flow is best but a canned joke is fine if good. Don't miss an opportunity to entertain!**

# 10. Levity!



Colin Jorgensen

August 9, 2015 · 👤



Attorney lessons from Arkansas Circuit Court, 2010. Always be honest with the Court. Your integrity is your single greatest asset as an advocate. Even if the Court asks you a question that calls for your irrelevant personal opinion, answer truthfully. Sorry, Oklahoma.

11 BY THE COURT:  
12 You're not suggesting we send everybody to  
13 Oklahoma?  
14 BY COUNSEL FOR DEFENDANTS, MR. JORGENSEN:  
15 I'm sorry?  
16 BY THE COURT:  
17 You're not suggesting we send everybody to  
18 Oklahoma?  
19 BY COUNSEL FOR DEFENDANT, MS. JORGENSEN:  
20 Not at all, Your Honor. I went to college in  
21 Oklahoma, and I don't suggest anyone go there for an  
22 extended period of time if you can help it. I got  
23 out as soon as I graduated.

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