

Think Like a Lawyer



Episode #7

Episode #7 - Silence as a Technique

This is ***Think Like a Lawyer on Substack***. My name is John Hollander. In this episode, we will be discussing silence. It's difficult to talk about not talking, but I'll give it a shot.

Lawyers think before they speak, good ones do anyway. How do you get the chance to think when things happen in real time? Well, there are two opportunities, and you always have them. The first is before you start to speak at all. Perhaps you get a call from somebody. They want to talk about a subject. You don't know what that subject is. So you ask them. We've given you several techniques in earlier episodes in this Substack, which you can use to gather information.

Once you have enough information, figure out what it is your counterparty is asking about or wants to speak about. Then you say, "I'll call you back." You need a few minutes, and you only need a few minutes. The less formal the call, the less time you need. In a more formal call, for example, if it's professionally significant, perhaps you're going to be interviewed by a journalist, or perhaps you're going to be interviewed by a client who's considering whether to hire you. Well, in both of those cases, it could be very important.

Well, you should be able to plan your course of action. That means that you need an agenda. You need a theme, what you're trying to accomplish. You should have a roadmap of how you're going to accomplish it. And then, you should think about each step along the way. We've already covered this during both the Analyze and the Apply sections of the Substack.

The idea is that before you speak, you should have already mapped out the basics of what you plan to say. That's basically it.

Well, I said that there were two opportunities for silence to apply. And I'm going to give you the second one now. As you speak, you may run out of things to say, or you may want to second-guess yourself.

From personal experience, I can tell you that second-guessing is common. Well, the best time to second-guess is before you say the next thing. You may well be right in what you already said or meant to say. Well, if you think about it, you will then proceed confidently, knowing that you've done the right thing. If you're second-guessing results in a confession that you may have screwed up, well, now's the time to make the confession when you'll be forgiven for speaking spontaneously and perhaps screwing up a bit. Everybody screws up, even if it's as simple as a misstatement. Okay?

So you think about what you have said. You think about what you're going to say next. And then you speak. Well, how do you get that silence? Well, it may be as easy as telling your audience, the person you're speaking to or the people you're addressing that you need a couple of seconds. The people listening to you, they want you to say something intelligent. They don't want you to feed dead airspace meaninglessly. So take a moment, think about what you have to say, and then proceed.

No, you can't do the full analytical gamut that we talked about in the Apply techniques, but at least you can think about how the previous thing you said, and the next thing you're going to say, fit into your overall plan of action.

So that's the technique. Use silence as a tool to accomplish what you're trying to do. And don't be afraid of a little dead airspace. It's a lot better than saying something silly that you'll regret later.

This is ***Think Like a Lawyer on Substack***. My name is John Hollander. Thanks for listening.