

# Kudos and ‘C’mon!': ACTL Just Pulled Off An Impressive Program to Diversify the Trial Bar. Again, Please.

By Ross Todd  
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Consider this a pat on the back and a nudge.

This past weekend a group of fellows of the American College of Trial Lawyers dedicated their time to helping lawyers aspiring to be part of the next generation of trial advocates hone their skills.

The 50 participants in the program — women, people of color, and LGBTQ lawyers — got direct feedback from lawyers with dozens of trials under their belts. They walked through exercises where they could try their hand at skills including making opening and closing statements, handling witness examinations, and impeaching witnesses.

They heard panel discussions on everything from taking expert testimony to issues of diversity in the courtroom. The program, held at the Chicago offices of **Latham & Watkins**, culminated with the participants conducting mock trials with the fellows presiding as judges and offering them feedback on their performances. None of the participants paid for the training. Indeed, some were provided scholarships by the college to help pay for travel. The aspiring trial lawyers came from Am Law 200 firms including Faegre Drinker Biddle & Reath, Troutman Pepper Hamilton Sanders and Hinshaw & Culbertson, as well as public interest groups such as Catholic Charities



Courtesy photo

**Participants and faculty in a program aimed at promoting diversity in the trial bar held May 20-22, 2022 at the Chicago office of Latham & Watkins and sponsored by the American College of Trial Lawyers.**

Community Services and the American Civil Liberties Union, and public defenders offices in Delaware and New York.

Retired Latham litigation partner **Thomas Heiden**, the program chair and driving force behind the long-in-the-works weekend, tells me “the starting point – the launching point” for a program was this:

Our society is diverse.

The parties, juries, and — increasingly — judges in our courthouses are diverse.

Shouldn't the people who are actually trying cases in those courthouses and courtrooms reflect that diversity?

Agreed.

So, here's the nudge.

Let's not let this be a one-off.

It sounds very much like it won't be for the college. Heiden and the faculty and participants I talked to say there's plenty of momentum to keep the program going.

"We only scratched the tip of the iceberg," Heiden told me.

Maurice Jenkins, a principal at Jackson Lewis in Detroit and another member of the faculty, told me how powerful it was to see "the light go on" for several participants over the course of the weekend.

"There's always going to be a need to master the rules of evidence and civil procedure, because that dictates the framework in which evidence comes in," Jenkins said. But he said one of the themes of the weekend went a step beyond mastering the nuts-and-bolts of technique: "The idea that you can be true to yourself, and that makes you a better advocate because you are speaking from your own voice and that will present itself to a jury as authentic."

The messages on both technique and tone seem to have struck home with James Turner, an assistant public defender with the Delaware Office of Defense Services, who participated over the weekend and was back in court on Monday morning. He said instructors showed him how to keep jurors' attention during openings and

closings by moving back and forth to a stand-up easel rather than being married to his PowerPoint presentation. But he also added he was encouraged to go a step further by "tapping into the emotions in a situation, not just ticking off facts."

Armeen Mistry, a litigation associate at Troutman Pepper Hamilton Sanders in Detroit, also took home a message about authenticity.

"Like a lot of women, I am naturally more soft-spoken. I'm not what you would call kind of the stereotypical grandstanding trial attorney," Mistry said. Mistry said that fellows encouraged her to embrace her own style in the courtroom. "You should really not be trying to imitate someone else who you've seen. You need to play to your own strengths," she said. "By having a very measured, very even tone, you in fact come across as extremely credible to the jury."

Sounds like a valuable lesson. Here's another one: Heiden and his colleagues at Latham and the college have been working for more than two years to make this happen. The program was originally scheduled to push off in May 2020 and has been rescheduled multiple times due to COVID before finally coming to fruition this weekend. Even this past weekend, Heiden tells me multiple faculty members and planned participants were sidelined because of COVID. But he said there was a feeling that those who were able "had to persevere."

"Otherwise this wonderful opportunity is never going to be provided to anybody," Heiden said. "What I'm hoping for is that this does generate enough public enthusiasm that we say to ourselves, 'We've got to do this again!'"