

Performance Ladder™

A Practical Assessment Tool for Oral Communication

7 min read

By Paul Marchegiani

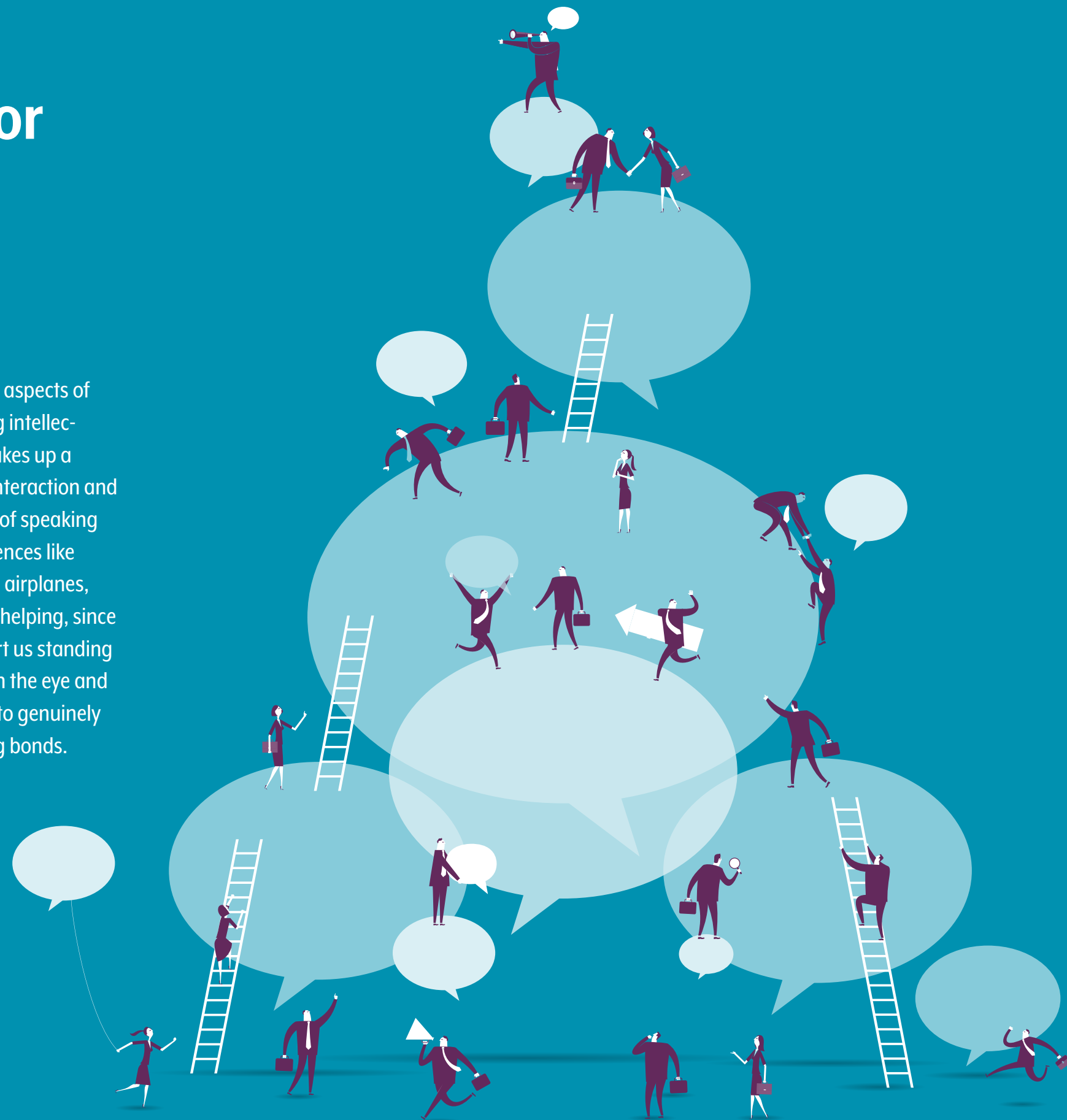
The Performance Ladder is an oral communication skills assessment tool to help law schools and law firms understand, contextualize, and address the elements that go into a successful interpersonal interaction.

I began conceiving of the Performance Ladder in the summer of 2020, after nearly 20 years of performing onstage with classical ensembles such as the LA Opera, San Francisco Symphony Chorus, and Chicago Symphony Chorus, studying with some of the world's greatest acting, music, and improvisation teachers, and collaborating with a wide range of brilliant legal professionals as a big firm litigator, Hollywood dealmaker, in-house team leader, and law school lecturer.

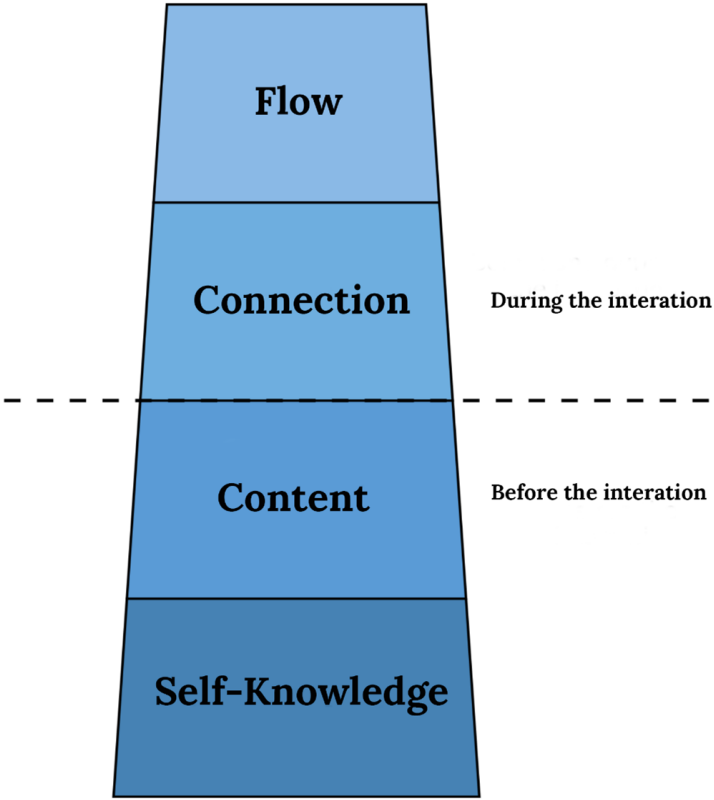
I noticed that most of the smart, driven, and articulate lawyers and law students I trained excelled at logic and word choice but were

less comfortable with non-verbal aspects of communication (despite knowing intellectually that verbal information makes up a relatively small piece of human interaction and persuasion) and the physical act of speaking under pressure. Modern conveniences like smartphones, social media, cars, airplanes, TV, video games, and AI, weren't helping, since they weren't developed to support us standing in front of people, looking them in the eye and sharing our full, embodied voice to genuinely persuade others and build lasting bonds.

I also observed that law school and workplace training systems – if they taught oral communication skills at all – didn't always know how to teach the physical craft of speech, presence, and delivery. Add to this an AI revolution making well-crafted verbal



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content increasingly available, and the need for a modern, practical performance skills framework embracing information beyond words became clear.

To address this need, I developed the Performance Ladder, contextualizing the four elements that — in my view — go into a successful performance: **Self-Knowledge**, **Content**, **Connection**, and **Flow**.

The Performance Ladder is designed to help lawyers and law students zoom out before giving a presentation or entering into a high-stakes conversation. It gets them “out of [their] head and into the space” (as teacher, social worker, and mother of improvisation Viola Spolin implored), and puts verbal content in its proper analytical place. It asks lawyers and law students to shift their view of speaking from a one-way information flow into a dynamic, balanced, sequential interaction that demands one’s full humanity.

Each rung of the ladder has its own unique markers and development needs. From bottom to top:

Self-Knowledge: The journey up the Performance Ladder begins with self-knowledge — a deep and constantly evolving understanding of one’s values, experiences, curiosities, points of view, strengths, and weaknesses. Great communicators bring their full

humanity to their interactions. They know what they have to offer, are open and courageous, and build trust by being willing to share and defend their ideas in the public sphere.

Individuals who aren’t able to fully bring themselves to the table might be coming across as closed off or might have trouble coming across as consistently believable or authentic. Causes could vary from something as simple as them not having found an aspect of a case or line of argument they believe in, or something broader. For instance, they could be in a role, or on a case, which doesn’t align with their values. Or they could be dealing with stressors outside of work, or the daily fears and injustices from being part of a marginalized community. Depending on the issue, values

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exercises, creating a sense of community at work and beyond, and encouraging lawyers to spend more time thinking through the best argument to present to a judge or opposing counsel can help.

Many of us are also self-conscious for a variety of reasons, and simply need a safe space to work through it. Sharing stories and values in a non-judgmental and safe environment and doing improvisation exercises to get lawyers in their bodies and using their voices in front of others can help with this and build stronger teams. The idea here is to get lawyers and students comfortable in their own skin, to have them know who they are and what they stand for, and for them to embody that as advocates so that every word they say rings true.

Content: The second step up the Ladder is content. Great lawyers have something meaningful to say and spend time crafting a clear message that meets the moment and the needs of the audience. Whether it’s an opening statement, an argument for a new legal rule on appeal, articulating the theory of the case, or making a case for a better deal for one’s client, the content should be relevant to the intended audience and reflect deeper truths that bind the speaker with that audience. Though lawyers and students might use AI as a tool, they should rely on their (and their team’s) own judgment and perspective to ensure their

language, content structure, and framing match the setting and desired outcome. The goal is to create an authentic and lasting connection with the audience through the substance of one's speech, so that the chosen words and how they are arranged resonate both emotionally and intellectually.

Lawyers — and their training systems — tend to be quite sophisticated when it comes to assessing and improving content. Traditional legal research and writing tools can often help with deficiencies, but firms and schools should consider adding additional objective third

party feedback on a message's framing and resonance, particularly when the audience is composed of non-lawyers (such as a jury, or the general public at a press conference).

Connection: Once you know who you are and what you want to convey on a given day, you're ready to scale the Ladder to connection. Great performers spend decades mastering the art and craft of empathic connection, yet most lawyers and law students get little to no training on this essential skill. Connection involves not just being present with your audience and yourself, but also with the physical space around you, the ground beneath your feet, the medium you're using to connect (be it live courtroom speech, TV cameras, a phone, or a Zoom call), and the broader "moment" itself. Many lawyers struggle with connection, whether it's listening, becoming combative during negotiations, shutting down during crucial moments, or becoming tense during conflict. Some lawyers lack presence and charisma when they speak or can't be adequately heard in a big room.

There are tools to address this, particularly if we look to disciplines outside the law. By using actionable, time-tested exercises used by the world's greatest Shakespearean actors, top-tier athletes, opera singers, and TV and film stars, lawyers can learn how to consistently connect, listen, and be

present. Semi-regular workshops are great for teaching lawyers quickly-deployable principles and exercises to help them connect, but — like any athletic activity — individual training with active repetition and feedback led by an expert performance skills coach who knows how to work with highly analytical professionals is also essential for those who wish to improve their ability to connect and persuade in the moment.

Flow: At the pinnacle of The Performance Ladder is flow — the state of being fully immersed in an activity, where everything seems to fall into place effortlessly. It's peak performance, where your ego falls away during the act of communication, and your skills, muscle memory, knowledge, and preparation come together seamlessly, sustainably, and without resistance. The advocate becomes the vessel for the content — a nimble and fully-present conduit for the flow of information.

In the practical world of lawyering, this means being able to give a compelling summation without losing steam, staying present while responding to objections, forging positive bonds with a potential client or recruit over lunch, or negotiating deals on back-to-back phone calls while staying "in the zone." Highly trained peak performance and wellness coaches can assist with the psychological and physiological aspects of this. Improvisation training also helps since it encourages lawyers to stay out of their heads during performance

and teaches them how to nimbly move through minor mistakes. Ultimately, improving flow requires discipline, physical practice, and the right mindset, all of which are achievable with regular expert training and a workplace culture that supports it.

My law students and clients find the Performance Ladder framework useful because it honors verbal precision, logical structure, and clarity, while putting these essential qualities in their broader context, all without sacrificing individual expression and client service. By helping lawyers zoom out from a content-only lens, encouraging them to know and bring their whole selves to work, teaching them the art and craft of connecting with others, and giving them opportunities and spaces to practice the physical and psychological skills of achieving and sustaining flow, the Performance Ladder can be a useful tool in the legal profession's development arsenal. +



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