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The Disclosure Two-Step

Trust is an important element of persuasion, whether getting a yes from your counterpart in a negotiation, a jury, or a business customer. Most people come to the negotiating table prepared to discuss the strengths of their position and try to hide their weaknesses, even when those faults may be generally known. However, arguing against your self-interest by admitting a small weakness in your argument creates the perception that you and the organization you represent are honest and trustworthy.

Social psychologist Kip Williams and her colleagues discovered that when jurors heard a lawyer mention a weakness in his own case before the opposing attorney brought it up, jurors evaluated him as more trustworthy and were more favorable to his overall case in their verdicts because of that perceived honesty.

This concept was seen in the 2013 wrongful death trial involving Michael Jackson's family versus AEG. Millions of dollars were spent in expert witness fees relating to the singer's earning capacity, sleep disorder, and the anesthetic that killed him. A Harvard University sleep expert was paid \$950 an hour. "For \$950 an hour, can you please keep your answers short?" said Jackson's attorney, drawing laughter from jurors.

The Jacksons' attorneys also called anesthesiologist Emery Brown, a Harvard and MIT professor who is considered one of the world's experts on propofol. Brown testified that he was being paid \$1,000 an hour, but that he was donating his \$75,000 fee to Massachusetts General Hospital. Jurors often suspect that one side or the other is buying an expert to provide the testimony it wants. Despite his high fee, Brown's contribution may have boosted his credibility. The persuasive argument is "He's donating it all to charity, ladies and gentlemen of the jury, so this is coming from the heart."

Another study had the same results for an expert witness testifying for the plaintiff in a civil trial. When the plaintiff's witness volunteered the weakness in his testimony and then explained why the weakness wasn't especially important, verdicts were more likely to be in favor of the plaintiff (65 percent) than when the defense attorney was the one to first bring up the issue (43 percent).

Think of the iconic advertising slogan for the Avis car rental company: "We're number two, but we try harder." Avis acknowledged that it was not the number one rental car company in the marketplace, but emphasized that it provides better service.

The two-step: If there is a small component of weakness in your leverage, consider mentioning it up front, instead of having it discovered later. Be sure to immediately follow the admission of a weakness by pointing out your strongest point in support of your claim. This approach minimizes the weakness in your position while enhancing your credibility so that the person you are trying to persuade will be more willing to accept the argument in your favor.