BOOK REVIEW: *RULES TO SPEAK BY*

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Opening statements. Fifty billion on the line. A bellwether trial with thousands of other cases hanging in the balance. Two ripped-from-the-headlines trial narratives: the despair of addiction set against the gnawing horror of undertreated pain. Over three hundred people in the gallery. John Hueston steps up to the podium.[1]

At this instant, many—if not most—attorneys might buckle under the titanic pressures brought to bear on their next few words. They might struggle to speak with a force commensurate to the moment.[2] But I watched as Hueston delivered a poised, concise, meticulously

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1. *See* Nate Raymond & Brendan Pierson, *J&J, Other Drugmakers Go to Trial in California in $50 Bln Case Over 'Deadly Legacy' of Opioids*, REUTERS (Apr. 19, 2021), https://www.reuters.com/business/healthcare-pharmaceuticals/jj-other-drugmakers-face-trial-california-over-claims-they-fueled-opioid-2021-04-19/ [https://perma.cc/6BMZ-58PG].

2. A quotation frequently attributed to Winston Churchill describes this situation:

> To each there comes in their lifetime a special moment when they are figuratively tapped on the shoulder and offered the chance to do a very special thing, unique to them and fitted to their talents. What a tragedy if that moment finds them unprepared or unqualified for that which could have been their finest hour.

See Christopher Luedtke, *A Review of "Call Sign Chaos: Learning to Lead*," J. CHARACTER & LEADERSHIP DEV., Winter 2018, at 122.

calibrated opening statement throughout which even the judge remained on the edge of his seat.[3] Hueston's performance set the stage for a complete verdict in our client's favor. For one of the nation's handful of elite trial attorneys, this was another day at the office.

But what about the rest of us? With major trials and appellate arguments increasingly concentrated in the hands of a select few attorneys, with oral arguments disappearing, and with trial advocacy underemphasized in law schools,[4] how can attorneys develop the speaking skills required to effectively try a case or win over an appellate panel? John Snow answers this question in his outstanding new book, *Rules to Speak By*.[5]

Snow presents excerpts from actual trial transcripts, highlighting performances by Hueston, Lisa Blatt, Johnnie Cochran, Bob Van Nest, and other masters of the craft. He contrasts their exemplary work with less effective performances that illustrate common trial pitfalls. Snow analogizes an attorney's review of trial transcripts and recordings to a professional athlete watching "game tape" to "identify strengths and weaknesses in themselves and their opponents."[6] An accomplished trial lawyer in his own right,[7] Snow

3. Hueston's opening statement and all proceedings in *People v. Purdue Pharma L.P. et al.*, No. 30-2014-00725287, 2021 Cal. Super. LEXIS 31743 (Cal. Sup. Ct. Dec. 14, 2021), are recorded and available online. *See* COURTROOM VIEW NETWORK, https://cvn.com/proceedings/people-of-the-state-of-california-v-purdue -pharma-lp-et-al-trial-2021-04-19 [https://perma.cc/FH8L-RTZV] (last visited Mar. 11, 2026).

4. *See, e.g.,* William H. Rehnquist, *Oral Advocacy: A Disappearing Art*, 35 MERCER L. REV. 1015, 1015–16 (1984); Mark R. Kravitz, *Words to the Wise*, 5 J. APP. PRAC. & PROCESS 543, 544 & n.3, 546 (2003) ("The art of oral advocacy is mastered, like any other art form, by repeated practice. And the opportunities to practice that art are becoming ever more infrequent . . . ."); Robert Paul Coleman III, *The Vanishing Oral Argument: Why It Matters and What to Do About It*, AM. BAR ASS'N (Feb. 18, 2020), https://www.americanbar.org/groups/judicial/resources/appellate-issues/archive/vanishing-oral-argument/ [https://perma.cc/QKF7-59Q2].

5. JOHN G. SNOW, RULES TO SPEAK BY: PRESENT AND PERSUADE LIKE THE COUNTRY'S BEST LAWYERS (2026).

6. SNOW, *supra* note 5, at 158.

7. Snow is a veteran first-chair trial attorney and appellate advocate. *Id.* at 161. He worked under Hueston for years before prosecuting criminal trials in Los Angeles. *Id.* Snow has defended music industry clients in trials as a partner

provides commentary on each attorney's oral advocacy with insight and dry humor reminiscent of Eli and Peyton Manning breaking down a quarterback's plays during Monday Night Football. We may never have the firsthand experience of defending O.J. Simpson[8] or prosecuting former Enron CEO Kenneth Lay,[9] but Snow mines these historic trials for lessons and techniques that will benefit law students and experienced practitioners alike.

Rules to Speak By compiles these lessons and techniques, along with tips provided by leading trial and appellate lawyers, into a set of ten rules for oral advocacy.[10] Snow's rules are practical. They offer a concrete roadmap for attorneys who want to maximize the precious time they have available for trial preparation. And Snow shows his work, supporting each of his recommendations with research from cognitive psychologists, judges, and trial advocacy consultants.[11] Given the succinct, actionable guidance that it provides, *Rules to Speak By* compares favorably to the legal writing manual *Point Made*—Snow adopts many of Ross Guberman's best stylistic techniques and adapts them to offer insight on effective speaking as opposed to effective writing.[12]

One particularly compelling chapter of *Rules to Speak By* opens with Snow comparing the average

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at a major entertainment firm and secured multimillion-dollar awards as a plaintiffs' lawyer. *See id.* He now serves as the Director of Legal and Trial Training for one of the largest municipal law offices in the country. *Id.*

8. *See id.* at 47–50, 114–15.

9. *See id.* at 8–10, 70–71.

10. *Id.* at vii–ix.

11. *See, e.g., id.* at 133–136 (citing research from Harvard and Dartmouth academics before noting that "[o]nce we've carved out the time to practice . . . [w]e need to do it on our feet, out loud, and in an environment that simulates the real day. And we need to record it and watch the tape.").

12. *See generally* ROSS GUBERMAN, POINT MADE: HOW TO WRITE LIKE THE NATION'S TOP ADVOCATES (2d ed. 2014); Vicki Lowery, *Book Review of* Point Made: How to Write Like the Nation's Top Advocates, CAP. AREA BAR ASS'N (Aug. 2013), https://caba.ms/articles/bookreview/point-made [https://perma.cc/K28Y-UMP6] (noting that *Point Made* offers concrete advice based on "numerous real world examples of how those techniques have been used by some of the best legal writers in the nation").

attorney's use of gestures in court to a scene from *Talladega Nights*.[13] Will Ferrell's character, appearing at a press conference, famously laments "I'm not sure what to do with my hands."[14] As someone who has staffed state and federal trial courtrooms for the better part of my career, this comparison struck me as particularly apt. Attorneys rarely know what to do with their hands. Snow proceeds to explain how anyone, with minimal effort, can improve the effectiveness of their gestures and movement in court. He provides diagrams mapping the zone in which advocates should concentrate their hand gestures in relation to their bodies, with different diagrams adjusting this zone based on whether advocates are presenting live in court or appearing virtually. Snow also provides links to videos in which accomplished presenters demonstrate the techniques that he recommends. I had the opportunity to learn many of these techniques from renowned trial advocacy professors while competing for UCLA's mock trial team, and *Rules to Speak By* offers the same gold-standard instruction.[15]

Other notable chapters offer scientifically based guidance on how to sustain the factfinder's attention

13. SNOW, *supra* note 5, at 110; Will Ferrell, *Talladega Nights: The Ballad Of Ricky Bobby*, SCRIPTS.COM, https://www.scripts.com/script-pdf/19365 [https://perma.cc/32AL-U52P] (last visited May 5, 2026) [hereinafter *Talladega Nights*].

14. *See* SNOW, *supra* note 5, at 110; *Talladega Nights*, *supra* note 5.

15. The UCLA Mock Trial program boasts both the highest number of national titles and individual awards of any collegiate program. *See* UCLA MOCK TRIAL, *About Us*, https://www.bruinsmocktrial.com/about [https://perma.cc/698N-2H8Z] (last visited Mar. 12, 2026); UCLA MOCK TRIAL, *All-Americans*, https://www.bruinsmocktrial.com/all-americans [https://perma.cc/T43G-BTCQ] (last visited Apr. 22, 2026). As Snow notes, "[v]ideos from law school mock trial competitions are great sources too, particularly the final rounds. Believe it or not, many of these are better than videos of real attorneys." *See* SNOW, *supra* note 5, at 159. Based on my own firsthand experience, this is even more true of college mock trial competitors, who routinely dedicate hundreds of hours to practicing the stylistic aspects of courtroom advocacy—unburdened by competing deadlines in other cases, client requests, or the need to conduct legal research—and thus their presentations are often more polished than those of licensed attorneys managing busy legal practices.

over time;[16] how to develop dynamic trial graphics and PowerPoint presentations;[17] how to connect with an audience in the moment, rather than simply reading prewritten slides or legal briefs;[18] and how to use valuable hours or minutes of preparation time.[19] Adopting another technique that led UCLA trial advocates to a record number of national championships, Snow explains how to annotate presentations with pauses, pitch variations, and other "dynamics" that are second-nature to any musician but less commonly used in trial practice.[20] Although Snow primarily focuses on trial advocacy, much of his advice translates seamlessly to appellate oral argument, and he offers tips and quotations from leading appellate practitioners as well.[21] Snow's insights are invaluable, and I return to several chapters frequently.

Reading *Rules to Speak By* reminded me of some advice that shaped my professional life. Judge Charles R. Breyer,[22] a former Watergate prosecutor, inimitable raconteur, and one of the individuals I most deeply respect, told me that "if, at any point in your career, you have the opportunity to get some trial experience: take

16. *See* SNOW, *supra* note 5, at 3–20, 21–41, 43–56, 57–72, 73–79.

17. *Id.* at 81–94.

18. *Id.*

19. *Id.* at 133–40.

20. *Id.* at 95–107. Winston Churchill, in preparing his famous speeches to Parliament, employed many of the techniques recommended by Snow, including the use of rehearsed musical dynamics. *See* INT'L CHURCHILL SOC'Y, *How Churchill Prepared for His Speeches* (Aug. 18, 2021), https://winston churchill.org/the-life-of-churchill/life/man-of-words/how-churchill-prepared-for-his-speeches/ [https://perma.cc/CM8X-8G76] ("Churchill drafted his speeches several times and wrote them out in a way that would help him deliver them effectively. He rehearsed passages, again and again, pacing his rooms, repeating them out loud . . . . He developed a unique oratorical style that both covered up and employed his speech difficulties so that his 'lisp'—or 'stammer', which could occasionally seem like a groping for words—became a prop, not a hindrance.").

21. *See, e.g.*, SNOW, *supra* note 5, at 139.

22. Judge Vince G. Chhabria, who clerked for Judge Breyer, recently wrote a profile on Judge Breyer's fascinating career as a public servant, accomplished trial lawyer, and United States District Court Judge. It is well worth a read. *See generally* Vince Chhabria, *Ruling with Heart & Humor: Senior Judge Charles R. Breyer*, 109 JUDICATURE, no. 1, 2025, at 82–87.

that opportunity." Judge Breyer's advice motivated me to serve as a prosecutor and later to join a trial boutique. To his advice I would only add that, should you have the opportunity to try a case or argue an appeal, you should not only take it—you should also have a dog-eared copy of *Rules to Speak By* in your briefcase.