

Psychodrama

and the Training of Trial Lawyers: Finding the Story

PART ONE

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Introduction

Go to any courthouse in the country just about any day of the week and you'll hear it—the sounds of lawyers droning on and on with their technical arguments, their redundant questioning of reluctant witnesses, the subtle points which are relevant only to them. Look at the poor helpless jurors who are tied to their seats by civic duty, by law. They struggle to pay attention but fade in and out as the noise continues to wash over them—numbing them. Look at the litigants whose lives will be directly affected by the result of the proceedings. Even their stake in the outcome cannot hold their attention. Their eyes glaze over despite a valiant effort to appear interested. As Thomas A. Mauet says, “Boredom is the enemy of effective communication”¹

Why are these people—these lawyers who have dedicated their professional lives to the art of persuasion—so incapable of telling a simple story passionately and succinctly? Why are the jurors not hanging on every word, mesmerized as they watch these masters perform their art? Each Monday morning, we recount the events of the weekend to our colleagues with more passion and greater animation. Why then are we seemingly incapable of effective communication when we are in court?

There seems to be little dispute among trial lawyers and trial advocacy teachers that the essence of the trial is storytelling and that storytelling principles are not only helpful, but also essential to an

engaging and persuasive presentation.² Trial lawyers and trial advocacy teachers are looking for ways to take advantage of storytelling techniques to make our presentations more persuasive.

Part of the problem is that the format in which the trial lawyer must operate is not conducive to good storytelling. Good stories have a beginning, a middle and an end. They often begin with “once upon a time” and end with “and they lived happily ever after,” and in between is a logical progression, a series of scenes interrelated by cause and effect. However, in trial, the story is jumbled. The evidence comes in piecemeal through witnesses and exhibits—often out of chronological order and disrupted by the opponent through objections and cross-examination.³ To make matters worse, the opponent is simultaneously advancing a competing story. The jury is left with the task of constructing its own narrative as a way of organizing the pieces in a coherent fashion.⁴ Opening statements are used to mitigate the problem by giving the jury a cohesive story as a guide for organizing the evidence.⁵ Trial advocacy teachers also stress the importance of theme as an organizing principle used throughout the trial to steer the jury in its construction of the evidence.⁶

The problem of format is only part of the problem and may be given too much credit for disrupting our presentations. Format is a convenient scapegoat for our inadequacies as storytellers. Even without the challenge of the format of a trial, most lawyers are simply not good storytellers. The truth is that

trial lawyers are not trained to be good storytellers.⁷ Lawyers are trained to think analytically.⁸ In the words of one writer: “Starting with the first day of law school, lawyers are taught to suspend emotion in favor of cold, legal analysis.”⁹ They learn to decontextualize facts and categorize them according to their legal significance, sorting the relevant facts issue by issue.¹⁰ They deconstruct and reduce the experience and then reorganize it to correspond with abstract legal principles.¹¹ The pieces, now reorganized and grouped in a legal context, lose the information-rich context of the experience as lived and felt.¹² Legal analysis, while essential to the lawyer and legal argument, is death to the story.¹³ Legal theory and legal discourse are simply too far removed from human experience.¹⁴

Given the format of the trial and our legal training, there is little wonder that many trial lawyers are boring, repetitive speakers. Lawyers should focus on techniques designed to compensate for the awkward format, and they should strive to communicate with jurors like human beings. But there is another, more fundamental issue that prevents the trial lawyer from communicating the story of the case. The problem with storytelling is that we simply do not know the story. We know the facts as our client and other witnesses have told them to us, but not the real story as lived, felt and experienced by our client and the witnesses.

Trial lawyers necessarily focus on the facts that reveal *what happened*. Better trial lawyers add additional facts that describe *why it happened*.¹⁵ Good storytellers develop how it *was experienced* by the characters.

In his article entitled *The Trial as a Persuasive Story*, Professor Steven Lubet gives us a useful example—a simple personal injury case.¹⁶ The lawyer represents the plaintiff who was injured when the car she was operating was struck from behind by the car operated by the defendant. Immediately before the collision, the traffic slowed to allow a fire truck to pass. These are the basic facts describing *what happened*, and they may be all that is legally essential.

We know why the plaintiff slowed down—because of the fire truck. But the jury may be left wondering why the defendant, also part of the traffic, did not slow down. Perhaps the defendant was negligent, but perhaps the plaintiff stopped too abruptly and was at least partially to blame. Perhaps there was no fire truck at all. Perhaps the fire truck was not sounding its siren or otherwise alerting traffic to stop. Professor Lubet insightfully notes that the story will be more persua-

sive if the lawyer can establish a reason for the defendant’s conduct—in other words *why it happened*.¹⁷ For example, what if the defendant was late for a very important business meeting? The defendant’s reason to rush now makes it more likely that he did rush. Understanding why the actor might do something gives context and meaning to the action and makes the action more likely to have occurred.

But there is more to the story we could explore. How did the defendant experience the facts? Perhaps the defendant felt his blood pressure rise as the digital clock on the dashboard served as a constant reminder that he would certainly be late. He tightly gripped the steering wheel and leaned forward, angry with himself for not allowing more time as he envisioned the embarrassing scene that awaited him upon his arrival at the office. He stared at the congestion ahead and saw the traffic as a frustrating impediment. He calculated how late he would be and said to himself almost audibly, “Why didn’t I leave ten minutes earlier? What am I going to say when I get there?” With the insight of *how it was experienced*, we can now compare our own experience with the actor’s experience. We recognize the experience as akin to our own. We can now empathize in the sense of understanding that the action of the defendant is not only more likely, but also ultimately believable.

Trials are frequently likened to a drama.¹⁸ The comparison is an easy one to accept since both theater and trial involve storytelling.¹⁹ One of the lessons we can take from the theater is the notion that credibility originates with the inner feelings the actor is experiencing and not the action itself. Actors and directors have long understood the critical importance of “motivation.”²⁰ Motivation is referred to by different terms—inner motive forces,²¹ the objective,²² and so forth—but the idea is the same. All action in the theatre must have an inner justification.²³ The motivation to act lies in the wishes, needs and desires of the human.²⁴ When the action is generated by true feelings, the action is logical, coherent and real.²⁵ When the action is not generated by true feelings, the action is artificial. The inner feelings are the guiding force that generates the action. The inner feelings are the reason for the action and are, therefore, more important than the action itself. The inner forces are what “excite the audience and make the action believable.”²⁶

If inner motive forces are at the heart of credibility, the typical presentations in court fail to use the most persuasive material. We discuss the action in terms of what happened. But the trial lawyer who stops there

fails to give the jury sufficient input to accept or reject the action. Better presentations include the situation or external forces that preceded the action to explain why the action happened. This information is critical to evaluating the action, but only insofar as it gives context to the inner forces (the feelings) that generate the action. If the jury is not also given the inner motive forces (how the facts were experienced) the link between external force and action is missing. Psychiatrist and psychodramatist Dr. John Nolte²⁷ also distinguishes between facts and our experience of the facts:

It is not just what happens to us that is important and that makes us who we are, it is how we experience what has happened to us. The facts are only a small part of anything that happens. Our experiences are stories, our stories. Together they comprise the story of our lives.²⁸

Perhaps we tell only the facts (what happened and why) because all we know are the facts. In presenting our cases to the jury, if we could communicate the facts in a way that reveals how the witnesses experienced those facts, the jury would be better able to understand and relate to the witnesses on an emotional level and accept the facts.

We cannot tell what we do not know. As lawyers charged with the responsibility of telling our client's story, if we could somehow experience our client's stories—not just hear about them, but experience them—we would understand on an emotional level how the facts were experienced. We could then communicate that experience to the jury.

Proponents of a method called “psychodrama” contend that it is a tool that permits us to access the experience of others—to see things as they saw them and to feel it as they felt it—in other words, to truly empathize. Psychodrama also allows us to access our own experiences and to better understand our experiences. “Psychodrama expands our understanding of experiences, hence our understanding of ourselves.”²⁹

I attempt in this article to make trial lawyers and trial advocacy teachers aware of this tool called psychodrama and how it is being used in preparation for trial and at trial. But psychodrama is an action method.³⁰ Writing an article about psychodrama is like writing a manual on how to swim. You will have only a slightly better understanding of swimming after studying a Red Cross manual on how to perform the various strokes. It is not until you are in the water that you will begin to fully appreciate the concept. So it is

with psychodrama. No article could serve as a substitute for the experience of doing. To fully evaluate the usefulness of psychodrama in the trial of cases will require experience with the method.

I. What is Psychodrama?

A. INTRODUCTION TO PSYCHODRAMA

Psychodrama is considered, first and foremost, a method of psychotherapy.³¹ However, unlike traditional Freudian psychoanalysis, where the subjects talk about their experiences, dreams and fantasies, psychodrama requires action.³² Psychodrama has the subject dramatize certain events as a spontaneous play on a “stage” in a group setting.³³ The subject literally goes through the motions of physically acting out the scene.

Dr. J. L. Moreno, the creator of psychodrama, defined psychodrama as “the science which explores the ‘truth’ by dramatic methods.”³⁴ Adam Blatner described psychodrama as follows:

Psychodrama is a method of psychotherapy in which patients enact the relevant events in their lives instead of simply talking about them. This involves exploring in action not only historical events but, more importantly, dimensions of psychological events not ordinarily addressed in conventional dramatic process: unspoken thoughts, encounters with those not present, portrayals of fantasies of what others might be feeling and thinking, envisioning future possibilities, and many other aspects of the phenomenology of human experience.³⁵

Psychodrama is a spontaneously created play, produced without script or rehearsal, with improvised props, for the purpose of gaining insight that can only be achieved in action. In psychodrama, life situations and conflicts are explored by enacting them, rather than talking about them.³⁶

Psychodrama is used primarily as a group therapy method but, as we shall see, its uses are not limited to therapy. Psychodrama is a method used for promoting personal growth and creativity.³⁷ In addition to referring to a specific therapeutic method, the term “psychodrama” involves a wide variety of techniques that have application in business, education³⁸ and now the trial of lawsuits.

B. THE ORIGIN OF PSYCHODRAMA

Dr. J.L. Moreno (1889-1974) originated psychodrama

in 1921 and refined it over the next few decades.³⁹ Moreno is best known as a principal co-founder of group psychotherapy.⁴⁰ It was out of his work developing group psychotherapy that Moreno originated the method of psychodrama.⁴¹

Psychodrama is a reflection of the eclectic interests and eccentric genius of Moreno. Understanding how such a method could develop requires some understanding of Moreno himself.

1. J. L. Moreno

Moreno was born in Bucharest, Romania, on May 18, 1889.⁴² His family moved to Vienna, Austria, in 1894.⁴³ He studied philosophy and medicine at the University of Vienna from 1909 until 1917.⁴⁴ In 1919 he became a general practitioner in Bad Voslau, a small town south of Vienna, where he used a family counseling approach—a forerunner of his later work.⁴⁵ While in Vienna, Moreno was very active and influential in the artistic and dramatic life of the city.⁴⁶ Moreno emigrated from Austria to the United States in 1925 where he began his more formal contributions to psychotherapy.⁴⁷ In 1932, he coined the term “group psychotherapy.”⁴⁸ He developed his theories working in hospitals, prisons and reform schools.⁴⁹ He founded Beacon Hill Sanitarium, a teaching institution where psychodrama was the principal method of treatment, in New York in 1936.⁵⁰ He founded training institutes for group psychotherapists and psychodramatists and started influential journals and professional associations.⁵¹ J. L. Moreno died on May 14, 1974 in New York.⁵² With him when he died were his nurse, Ann Quinn, and one of his students, John Nolte.⁵³

Several experiences influenced Moreno and laid the foundation for the development of psychodrama. Three of these formative experiences are discussed here.⁵⁴

2. Child's Play

While a student at the University of Vienna, Moreno observed the way children played and interacted in the parks in Vienna. He began to interact with them and tell them stories. He invented games for them that called upon their imagination. During this time, Moreno created a theater for children and had a regular group of young actors including Elisabeth Berger, who later became a famous actor.⁵⁵ They invented and improvised plays and presented classics in the parks and in a small hall that temporarily served as a

theater.⁵⁶

Moreno described his experience with the children:

It was as a teenager, just prior to my matriculation in the Faculty of Philosophy at the University of Vienna that I first noticed the healthy spontaneity of children. At play in the parks of that city of my younger years and in observing the children as they played I found myself struck by the richness of their fantasy life. I hereupon made friends with them and subsequently led them in play, directing them in the creation of little “stories” that they acted out, and helping them to draw readily, from their own knowledge and experience, to make real for these children that magic moment of the fantasies which their active imaginations and their high states of spontaneity brought excitedly to life. The realization of what was occurring during these periods that the children were involved in creating while they acted and in living in the worlds of their enactments during the times I directed them at play was for me a remarkable moment of discovery. This discovery subsequently led to the development of a movement....⁵⁷

Moreno later commented on the profound impact of his experience of working and playing with children:

Gradually the mood came over me that I should leave the realm of the children and move into the world, the larger world, but, of course, always retaining the vision which my work with the children had given me. Therefore, whenever I entered a new dimension of life, the forms I had seen with my own eyes in that virginal world stood before me. Children were my models whenever I tried to envision a new order of things or to create a new form. When I entered a family, a school, a church, a parliament building, or any other social institution, I rebelled. I knew how distorted our institutions had become and I had a new model ready to replace the old: the model of spontaneity and creativity learned from being close to the children.⁵⁸

Moreno's work with children was instrumental in the development of his ideas about play, spontaneity, dramatic reenactment and creativity.

3. The Benefit of Groups

Moreno began working with disadvantaged groups. It happened this way: One afternoon while at the University of Vienna, Moreno saw a pretty woman on the street smiling at him. She was wearing a white blouse and red skirt with red ribbons to match. As Moreno began speaking with her, she was suddenly

arrested by a police officer. Moreno followed her to the police station and waited for her. After her release, Moreno spoke with her about the reason for her arrest. She explained that she was a prostitute and that she was not allowed to wear such striking clothes during the day as she might attract customers. Moreno discovered a whole class of people who were segregated, not on the basis of race or religion, but on the basis of their occupation. They had no rights and no respect. They could not find doctors to treat them or lawyers to represent them. They had been stigmatized by society for so long they perceived themselves as despicable sinners and unworthy people. In 1913, Moreno began to visit their houses. He took with him two persons: a specialist in venereal disease, and a publisher of a Viennese newspaper. Moreno's purpose was not to reform the prostitutes, but to give them self-respect and dignity. He met with them in groups of eight to ten, two or three times per week. Gradually they began to realize the value of the group—that they could become the therapeutic agents of each other. They found ways to help each other. Moreno had discovered the potential for group psychotherapy.⁵⁹

4. "Spontaneity Theater"

In 1921, a few years after the end of World War I, Moreno was concerned about the lack of social and political leadership in Austria. He wanted to bring the community together and stimulate debate about the future of Austria.⁶⁰ He became involved with a group of actors who met regularly at the Café Museum in Vienna.⁶¹ In 1922, Moreno rented space that could hold fifty to seventy-five people. Moreno's new theater group put on spontaneous plays suggested by the audience, or reenacted current news stories—a production called "The Living Newspaper."⁶²

One of the actors in the group was Ann Hollering, who became known in psychodrama circles as "Barbara."⁶³ Barbara was very popular in Moreno's productions because of her excellent performances in romantic or heroic roles. She soon attracted the attention of a young poet and playwright, George Kulka, who sat in the front row of all her performances. A romance developed between them and they were married. Barbara continued to act and George continued to admire her from the front row.

One day George approached Moreno to ask for help. George explained that this seemingly sweet woman was mean-spirited and physically abusive when they were alone. Moreno promised to help. Under the pretense of ensuring that her performances did not grow

stale, Moreno asked Barbara if she would be willing to try other roles—roles that would reveal the "rawness of human nature, its vulgarity, and stupidity, its cynical reality...."⁶⁴ Barbara gladly accepted the challenge and began playing prostitutes, spinsters, revengeful wives, spiteful sweethearts, and so on. George reported immediate changes. While the couple still argued, the arguments lost their intensity. At times Barbara's conduct toward George reminded her of a character she played and she would laugh in the middle of an argument, diffusing the tension. George also reported that watching Barbara play these roles had caused him to be more tolerant of her and more patient with her. Moreno invited George to act on stage with Barbara. He had them portray scenes from their daily lives at home, from their families, her childhood and their dreams and future plans. Their relationship continued to improve.

Moreno began to appreciate the therapeutic value of insight gained through drama for the protagonist. But the audience also reported that the scenes portrayed by George and Barbara had a great emotional impact on them. Audience members personally benefited from the experience. Moreno began to appreciate the therapeutic value of the dramas for the audience. Eventually, Moreno sat down with George and Barbara and explained to them the "development of their psychodrama...and...the story of their cure."⁶⁵

Moreno combined the spontaneity and creativity of children, the inherent value of group dynamics and the insight of dramatic role playing to create a completely different approach from Freudian psychoanalysis that was action-oriented, public and rooted in immediate reality.⁶⁶ His experiences prepared him for the development of psychodrama.

C. WHAT DOES A PSYCHODRAMA SESSION LOOK LIKE?

Psychodrama is usually done with a group of participants.⁶⁷ The group can vary in size from as few as five to a hundred or more, but most practitioners prefer a group of ten to fifteen.⁶⁸ The psychodrama session can take place in any space that provides room for physical movement and privacy with no distractions.⁶⁹ The group includes the *director*, the *protagonist*, the *auxiliaries* and the *audience*.⁷⁰

The *director* runs the session and is usually a therapist in a therapeutic situation. A *protagonist* is selected to work on an issue. Aspects of the protagonist's life will be explored during the psychodrama session.

Therefore the protagonist will be the principal actor in the drama.⁷¹ An area for the protagonist to work is established. This area is referred to as the *stage*. The stage can be as simple as a small area in the center of the room.⁷²

The director or the protagonist will typically recruit members of the group to assist in dramatizing the scene. These group members are called *auxiliaries*. They will be asked to portray the actual or imagined personae in the protagonist's drama. Members of the group who are not directly involved in the enactment will be the *audience*.

During the session, the protagonist is given the opportunity to work on an issue by acting out a particular scene (or scenes) spontaneously. The scene can be from the protagonist's *past*. The director may choose to have the protagonist reenact the scene as the protagonist recalls it, to allow the protagonist to access the feelings of the moment in a safe environment. Alternatively, the protagonist could act out this past scene in another way—examining how things might have been done differently—giving the protagonist a chance to do it over.

The scene could also depict a *current* or recurring situation in the protagonist's life. This might allow the protagonist to explore the feelings generated, perhaps examine the source of those feelings and investigate other options for dealing with the situation.

The scene may depict a situation the protagonist anticipates in the *future*. The goal may be to help the protagonist prepare for the event—a kind of rehearsal or role training in anticipation of the future event.

The scenes that could be depicted are unlimited. Every aspect of the protagonist's subjective life can be presented with the help of the group.⁷³ A protagonist could act out a dream, have an encounter with a loved one who is now deceased or meet her unborn children. Psychodrama is not limited by time, space or reality.⁷⁴ Whatever the scene, the protagonist, led by the director and assisted by the auxiliaries, physically acts out the scene as if the event were happening here and now—in the present.

D. PSYCHODRAMATIC TECHNIQUES

Numerous techniques were developed by Moreno to achieve various goals during the psychodrama session. A few of the more common techniques include role reversal, soliloquy, doubling and mirroring.

1. Role Reversal

When Atticus Finch, the fictional lawyer portrayed by Gregory Peck in the movie *To Kill a Mockingbird*, advised his daughter that her temper and propensity for fist-fighting were not an appropriate way of dealing with problems, he said, "You never really understand a person until you consider things from his point of view[,]...until you climb into his skin and walk around in it."⁷⁵ Psychodramatists refer to this method as *role reversal*.

During the drama, the protagonist will typically be asked by the director to reverse roles with various auxiliaries. The protagonist takes the role previously played by the auxiliary and the auxiliary plays the role previously played by the protagonist. This process allows the protagonist to experience the scene from the vantage point of other characters in the drama. It also permits the protagonist to observe the self from the vantage point of other characters in the drama. Role reversals will typically take place many times during the course of the psychodrama session.

Several lines from a poem authored by Moreno are often used to explain his concept of role reversal.⁷⁶ The poem suggests the total commitment necessary to the task:

A meeting of two: eye to eye, face to face.
And when you are near I will tear your eyes out
and place them instead of mine,
and you will tear my eyes out
and place them instead of yours,
then I will look at you with your eyes...
and you will look at me with mine.⁷⁷

In reversing roles, the person does not simply try to act as the other person would act, but to feel how the other person would feel—to take on their passions, prejudices, life experience, age, gender, ethnicity, and so on, and experience the depicted scene as the other person would experience it. Adam Blatner commented on the importance of this technique:

If one skill could be learned by everyone, I want it to be role reversal – to be able to see things from another's point of view (which does not mean always agreeing with that point of view). The ability to role-reverse fosters a way of being in the world that offers the potential for co-creating understanding, conflict clarification, and resolution. Each of us can learn and actively practice it in our daily lives, and thereby teach others to use it.⁷⁸

2. *Soliloquy*

Soliloquy is the act of revealing inner feelings and thoughts that would normally be kept hidden.⁷⁹ The director will ask the protagonist to express out loud what he is feeling or thinking. The protagonist verbalizes what is otherwise internal.

The soliloquy is often used in psychodrama as a warm-up technique. Giving voice to the feelings and emotions causes the protagonist to begin to focus on them. The soliloquy also provides valuable information the director can use to determine what issues or scenes should be explored.

The soliloquy is often used in conjunction with a role reversal. The protagonist is asked to soliloquize in the role of another person. This allows the protagonist to “warm up” to the role, and also gives the auxiliary, who may play the role, information needed for an accurate portrayal.

3. *Doubling*

The “double” is a particular kind of auxiliary whose function is to assist the protagonist in presenting the protagonist’s position or feelings.⁸⁰ The protagonist may be having difficulty accessing or expressing his emotions, or may seem blocked or resistant. Another group member may have an idea about what the protagonist might be feeling. The director could let that other group member model a certain idea, action or emotion, thereby “doubling” for the protagonist.⁸¹ The protagonist is then asked to accept, reject or modify the expression by the double, depending on whether the expression feels accurate to the protagonist. The protagonist will use the accurate suggestion or the suggestion as modified, and reject any suggestion that is not accurate. The result is that the protagonist is able to work through the block or overcome the resistance.

4. *Mirroring*

Mirroring is a technique that allows protagonists to see themselves. After the protagonist has acted out a particular scene, the protagonist is asked to come off stage and observe a reenactment of his behavior by an auxiliary. The auxiliary will mimic the protagonist’s body posture, use the same gestures, and use the same language as the protagonist. The auxiliary will imitate the protagonist’s behavior, both verbal and non-verbal, to give the protagonist a sense of how he is acting or reacting in a particular situation.⁸²

Mirroring is intended to give the protagonist insight

about his feelings or his behavior. For example, the protagonist may be saying one thing while his body language is conveying something very different. Mirroring may allow the protagonist to discover the contradiction and to explore the protagonist’s underlying feelings. The protagonist may be unaware of how a particular behavior is perceived by others. Mirroring gives the protagonist an opportunity to judge his own behavior from a third-party perspective—a human version of video playback.⁸³ The technique may suggest exploring alternative ways to respond to a situation.

E. THE SEGMENTS OF A PSYCHODRAMA SESSION

A psychodrama session consists of three parts: the warm-up process, the action portion and the post-action sharing by the group.⁸⁴

1. *The Warm-Up Process*

The warm-up process prepares the protagonist for the action portion to follow. There is no set time for the warm-up process. It may take only a few minutes, but it may take quite a long time, depending on the protagonist. The protagonist is invited onto the stage. The director may have a conversation with the protagonist to focus attention on the issue to be explored and identify a place to start. The director may have the protagonist soliloquize. The director may ask the protagonist to “set the scene”—describing the scene where the drama will take place as if the protagonist is there at the time—in the here and now. Regardless of the techniques employed by the director, the idea is to get the protagonist emotionally readied for the action portion.

2. *The Action Portion*

The action portion is where the critical scenes are enacted. The protagonist is asked to experience the scene (or scenes) in the here and now. A single scene can be explored one time, or the same scene can be explored multiple times with variations. One scene may lead to other scenes—taking the protagonist closer to the source of the issue. The goal is to provide the protagonist with emotional insight that can only be gained through action.

3. *Post-Action Sharing By The Group*

The action portion of psychodrama often produces a raw, exposed feeling in the protagonist. Post-action sharing is a critically important component that gives

the individual members of the group an opportunity to empathize with the protagonist by sharing their own thoughts, feelings and experiences with the protagonist. The group members do not give advice, but rather express similar thoughts, feelings or experiences the drama produced or reproduced for them. It is a time to appreciate and acknowledge the gift the protagonist gave to the group and to embrace the protagonist.

F. HOW DOES PSYCHODRAMA WORK?

The goal of psychodrama is to discover the emotional truth of the protagonist, allowing the protagonist to gain insight, self-awareness, enlightenment and illumination—in essence, a deeper and richer understanding. In therapy, insight has generally been regarded as an important factor in producing a “cure.”⁸⁵ But it has also been recognized that intellectual understanding is not enough to cause emotional or behavioral change. Intellectual understanding may come from reading, discussion or passive introspective analysis. “If information alone could bring about therapeutic change, patients could get well by reading their psychiatric case studies and psychological test reports.”⁸⁶

In order to be sufficient to evoke change, the process of self-discovery must be emotional, not just intellectual.⁸⁷ The protagonist must experience the meaning of their feelings in the present.⁸⁸ Psychodrama was designed by Moreno to facilitate the emotional insight that can only be accomplished by actual experience and not written or verbal information. To emphasize the focus on experiential learning, he called the self-discovery generated through psychodrama “action-insight.”⁸⁹ The term describes insight based on overt behavior and not inner thinking.⁹⁰ It is learning by doing. “The learning gained through such an experience is passionate and involved, emphasizing the personal participation in the discovery and validation of knowledge.”⁹¹

Kellermann offers this example:

[I]t would be meaningless to tell an overprotective mother to be less protective. However, if, in psychodrama, she is persuaded to reverse roles with her child, even for a short time, and to experience intensely how it feels to live under her own protective behaviour, she might change. Such a first-hand awareness may give the protagonist an experience which is sufficiently meaningful to produce a lasting impact.⁹²

The objective of action-insight is a search inward. It is

the emotional experience of the protagonist, as opposed to the outer world of the senses, that is the goal.⁹³ Action-insight is non-cognitive in that it does not involve intellectualizing. It is a “gut-level” learning that involves processing at the bodily and perceptual-motor level—a process that favors feeling over thought, emotion over intellect, intuition over analysis.⁹⁴ It is a learning that often cannot be translated into words because it involves physical and mental sensations that evolved at a pre-verbal, early child development phase.⁹⁵ Psychodrama allows the protagonist to enact or reenact, live or relive, any event, real or imagined, past, present or future, and receive, at a gut-level, the insight that can only be gained by being there.

To be continued in the next issue of the Warrior

Endnotes

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Introduction

1 THOMAS A. MAUET, TRIAL TECHNIQUES 19 (5th ed. 2000).

2 See LAWYERS AS STORYTELLERS AND STORYTELLERS AS LAWYERS: AN INTERDISCIPLINARY SYMPOSIUM EXPLORING THE USE OF STORYTELLING IN THE PRACTICE OF LAW, 18 Vt. L. Rev. 567 (1994); SYMPOSIUM, LEGAL STORYTELLING, 87 Mich. L. Rev. 2073 (1989); SYMPOSIUM, SPEECHES FROM THE EMPEROR'S OLD PROSE: REEXAMINING THE LANGUAGE OF LAW, 77 CORNELL L.

Psychodrama and the Training of Trial Lawyers - continued

- REV. 1233 (1992). The legal storytelling movement is not limited to the courtroom but has spread to the classroom and legal scholarship. See, e.g., DANIEL FARBER & SUZANNE SHERRY, TELLING STORIES OUT OF SCHOOL: AN ESSAY ON LEGAL NARRATIVES, 45 Stan. L. Rev. 807 (1993) (purporting to offer a systematic appraisal of the storytelling movement, particularly as it relates to legal scholarship); JANE B. BARON, RESISTANCE TO STORIES, 67 S. Cal. L. Rev. 255 (1994) (disagreeing with Farber and Sherry); RICHARD A. MATASAR, STORYTELLING AND LEGAL SCHOLARSHIP, 68 Chi.-Kent L. Rev. 353 (1992) (discussing the advantages of narrative in scholarship and teaching); SANDRA CRAIG MCKENZIE, STORYTELLING: A DIFFERENT VOICE FOR LEGAL EDUCATION, 41 Kan. L. Rev. 251 (1992) (discussing the need to teach storytelling in law school).
- 3 See generally RICHARD LEMPERT, TELLING TALES IN COURT: TRIAL PROCEDURE AND THE STORY MODEL, 13 Cardozo L. Rev. 559, 559 (1991). Lempert suggests that trial lawyers should present the case in chronological order, not witness order. Witnesses should not be called and then asked everything they know about the case; they should be asked only as much as is necessary to advance the story. Witnesses should then step down, only to be recalled later when further testimony would fit more nicely into the story. *Id.* at 565-66. Lempert recognizes that predictable impediments to this approach would be the inconvenience to the witness and the discretion of the judge under Rule 611 of the Federal Rules of Evidence. *Id.* at 566.
- 4 See generally NANCY PENNINGTON & REID HASTIE, A COGNITIVE THEORY OF JUROR DECISION MAKING: THE STORY MODEL, 13 Cardozo L. Rev. 519 (1991).
- 5 J. ALEXANDER TANFORD, THE TRIAL PROCESS: LAW, TACTICS AND ETHICS 263 (1983).
- 6 RONALD L. CARLSON & EDWARD J. IMWINKELRIED, DYNAMICS OF TRIAL PRACTICE: PROBLEMS AND MATERIALS 39-40 (2d ed. 1995).
- 7 MCKENZIE, *supra* note 2, at 251-52 ("Although lawyers are storytellers, they are not trained as such. Legal education in the United States today is dominated by the 'case method' of instruction first used by Christopher Langdell at Harvard University in the late nineteenth century. . . . [T]he role of the lawyer as storyteller . . . has been largely ignored in legal education.")
- 8 ROGER C. CRAMTON, THE ORDINARY RELIGION OF THE LAW SCHOOL CLASSROOM, 29 J. Legal Educ. 247, 248 (1978).
- 9 ADRIENNE DRELL, CHILLING OUT, A.B.A. J., OCT. 1994, at 70 (1994).
- 10 See GRAHAM B. STRONG, THE LAWYER'S LEFT HAND: NONANALYTICAL THOUGHT IN THE PRACTICE OF LAW, 69 U. Colo. L. Rev. 759, 781 (1998).
- 11 See TONI M. MASSARO, EMPATHY, LEGAL STORYTELLING, AND THE RULE OF LAW: NEW WORDS, OLD WOUNDS?, 87 MICH. L. REV. 2099, 2103 (1989) ("The popular image of lawyers is that we are committed to formal rationality. We are trained to cabin 'empathic' responses and remain steadfast in our commitment to legal principles despite emotional dissonance.")
- 12 See STRONG, *supra* note 10, at 781, 782.
- 13 See PHILIP N. MEYER, "DESPERATE FOR LOVE III": RETHINKING CLOSING ARGUMENTS AS STORIES, 50 S.C. L. REV. 715, 716 (1999) ("There are two modes of functioning, two modes of thought, each providing distinctive ways of ordering experience, of reconstructing reality. The two [the analytical and the narrative] (though complementary) are irreducible to one another. . . . A good story and a well-formed logical argument are different natural kinds. . . . It has been claimed that one is a refinement of or abstraction from the other. But this must be either false or true only in the most unenlightening way.")
- 14 MASSARO, *supra* note 11, at 2105. Most people and, therefore, most jurors, are affective (right brain) decision-makers. Mauet, *supra* note 1, at 14-15. They care more about people than problems. They use deductive reasoning that is primarily emotional and impulsive. Once they make a decision, they justify the decision as logical and fair by discounting, discrediting or even ignoring information that is inconsistent with their decision. *Id.*; see also BERT DECKER, YOU'VE GOT TO BE BELIEVED TO BE HEARD (1992). In stark contrast, lawyers are trained to be cognitive (left brain) decision-makers. See STRONG, *supra* note 10, at 761. They are more likely to withhold judgment until all of the facts have been accumulated. They then use inductive reasoning and come to logical conclusions based on an analysis of the facts. To the extent that lawyers approach the trial of a lawsuit as a factual/legal dispute, they will fail to effectively communicate with jurors who approach the trial as a human drama. Lawyers typically focus on the facts while the jurors are more interested in the people, their relationships and their human experiences. See JAMES E. MCELHANEY, TRIAL NOTEBOOK 133 (3d ed. 1994).
- 15 STEVEN LUBET, THE TRIAL AS A PERSUASIVE STORY, 14 Am. J. TRIAL ADVOC. 77, 78-81 (1990).
- 16 *Id.* at 80-81.
- 17 *Id.*
- 18 JAMES W. JEANS, TRIAL ADVOCACY 303 (2d ed. 1993); see also DAVID BALL, THEATER TIPS AND STRATEGIES FOR JURY TRIALS (2d ed. 1997).
- 19 STRONG, *supra* note 10, at 780 ("In the . . . theater of the courtroom, lawyers become themselves principle storytellers, and the producers and directors of tales told by others.")
- 20 See JOHN E. DIETRICH & RALPH W. DUCKWALL, PLAY DIRECTION 6 (2d ed. 1983).
- 21 CONSTANTIN STANISLAVSKI, AN ACTOR PREPARES 244 (1963).
- 22 WILLIAM BALL, A SENSE OF DIRECTION: SOME OBSERVATIONS ON THE ART OF DIRECTING 70-92 (1984).
- 23 STANISLAVSKI, *supra* note 21, at 46.
- 24 *Id.*
- 25 *Id.*
- 26 *Id.* at 5.
- 27 John Nolte, Ph.D., is a psychologist and psychodramatist in Hartford, Connecticut. Dr. Nolte is on the teaching faculty of Gerry Spence's Trial Lawyers College, where psychodrama is used extensively in the training of trial lawyers.
- 28 JOHN NOLTE, Brochure for the "PSYCHODRAMA AND TELLING THE STORY" WORKSHOP, Oct. 23-25, 1998 (Midwest Ctr. for Psychodrama & Sociometry, Omaha, Neb.) [hereinafter "PSYCHODRAMA AND TELLING THE STORY" BROCHURE].
- 29 *Id.*
- 30 TIAN DAYTON, PH.D., THE DRAMA WITHIN: PSYCHODRAMA AND EXPERIENTIAL THERAPY 1 (1994).
- I. What is Psychodrama**
- A. Introduction to Psychodrama**
- 31 J. L. MORENO & ZERKA T. MORENO, PSYCHODRAMA: ACTION THERAPY & PRINCIPLES OF PRACTICE 11 (1969). Psychodrama was, from its inception, a therapeutic method. Moreno proposed the replacement of Freudian psychoanalysis with psychodrama. 3 *id.* at 11, 24.
- 32 ADAM BLATNER, FOUNDATIONS OF PSYCHODRAMA: HISTORY, THEORY, AND PRACTICE 1 (3d ed. 1988).
- 33 *Id.*
- 34 J.L. MORENO, WHO SHALL SURVIVE?: FOUNDATIONS OF SOCIOMETRY, GROUP PSYCHOTHERAPY, AND SOCIODRAMA 81 (3d ed. 1978).
- 35 BLATNER, *supra* note 32, at 1.
- 36 See, e.g., RENE F. MARINEAU, JACOB LEVY MORENO 1889-1974: FATHER OF PSYCHODRAMA, SOCIOMETRY, AND GROUP PSYCHOTHERAPY 157 (1989); MORENO & MORENO, *supra* note 31, at 233.
- 37 PETER FELIX KELLERMANN, FOCUS ON PSYCHODRAMA: THE THERAPEUTIC ASPECTS OF PSYCHODRAMA 31 (1992).
- 38 See BLATNER, *supra* note 32, at 2.
- B. The Origins of Psychodrama**
- 39 *Id.*
- 40 See MARINEAU, *supra* note 36, at ix.
- 41 See *id.* at xi.

1. J. L. Moreno

- 42 *Id.* at 6.
43 PSYCHODRAMA SINCE MORENO 2 (PAUL HOLMES ET AL. EDs., 1994).
44 MARINEAU, *supra* note 36, at 32; PSYCHODRAMA SINCE MORENO, *supra* note 43, at 2.
45 PSYCHODRAMA SINCE MORENO, *supra* note 43, at 2.
46 *Id.*
47 MARINEAU, *supra* note 36, at 9; Psychodrama Since Moreno, *supra* note 43, at 2.
48 *See* PSYCHODRAMA SINCE MORENO, *supra* note 43, at 2.
49 *Id.*
50 *Id.*
51 *Id.*
52 MARINEAU, *supra* note 36, at 153; PSYCHODRAMA SINCE MORENO, *supra* note 43, at 2.
53 MARINEAU, *supra* note 36, at 153.
54 These episodes in Moreno's life are recounted in slightly varying ways in several books, including: IRA A. GREENBERG, PSYCHODRAMA AND AUDIENCE ATTITUDE CHANGE (1968); A. PAUL HARE & JUNE RABSON HARE, J.L. MORENO (1996); MARINEAU, *supra* note 36; J. L. MORENO, THE AUTOBIOGRAPHY OF J.L. MORENO, M.D (1985); MORENO & MORENO, *supra* note 31; PSYCHODRAMA SINCE MORENO, *supra* note 43.

2. Child's Play

- 55 MARINEAU, *supra* note 36, at 35-39.
56 *Id.* at 39.
57 GREENBERG, *supra* note 54, at 22.
58 MORENO, *supra* note 54, at 34; *see also* MARINEAU, *supra* note 36, at 40.

3. The Benefits of Groups

- 59 HARE & HARE, *supra* note 54, at 8-9.

4. Spontaneity Theater

- 60 MARINEAU, *supra* note 36, at 70.
61 *Id.*
62 *Id.* at 72.
63 *Id.* at 70.
64 *Id.* at 74-75.
65 1 J. L. MORENO, PSYCHODRAMA 3-5 (1946); *see also* MARINEAU, *supra* note 36, at 74-76.
66 *See* MARINEAU, *supra* note 36, at 76-77.

C. What Does a Psychodrama Session Look Like?

- 67 *See id.* at 157.
68 *See* KELLERMANN, *supra* note 37, at 26.
69 *See id.* at 22.
70 Because J. L. Moreno developed psychodrama from his earlier experiences in "spontaneity theater," he used theater vocabulary. *See* MARINEAU, *supra* note 36, at 136, 156.
71 *Id.* at 157.
72 *See* MORENO & MORENO, *supra* note 31, at 233.
73 *See* KELLERMANN, *supra* note 37, at 11-12.
74 *See* MORENO & MORENO, *supra* note 31, at 23.

D. Psychodrama Techniques

1. Role Reversal

- 75 MIKE PAPANTONIO, IN SEARCH OF ATTICUS FINCH: A MOTIVATIONAL BOOK FOR LAWYERS 55 (1996).
76 *See* HARE & HARE, *supra* note 54, at 15.
77 THE ESSENTIAL MORENO: WRITINGS ON PSYCHODRAMA, GROUP METHOD, AND SPONTANEITY BY J.L. MORENO, M.D. 4 (Jonathan Fox ed., 1987).
78 BLATNER, *supra* note 32, at ix.

2. Soliloquy

- 79 *Id.* at 176.

3. Doubling

- 80 *Id.* at 164.

- 81 *See* KELLERMANN, *supra* note 37, at 147-48.

4. Mirroring

- 82 *Id.* at 148.

- 83 *See* BLATNER, *supra* note 32, at 169.

E. The Segments of a Psychodrama Session

- 84 *See* MORENO & MORENO, *supra* note 31, at 237; *see also* MARINEAU, *supra* note 36, at 136; DAYTON, *supra* note 30, at 63 (depicting a diagram of the psychodrama segments). The diagram shows a fourth segment called "analysis." This additional segment was never formally incorporated into the psychodrama process. *Id.* at 61-62. A fourth segment called "processing" is used in psychodrama training to discuss and analyze the psychodrama session.

F. How Does Psychodrama Work?

- 85 KELLERMANN, *supra* note 37, at 85.
86 S. A. APPELBAUM, PSYCHOANALYTIC THERAPY: A SUBSET OF HEALING, 25 Psychotherapy 201, 205 (1988).
87 *See* KELLERMANN, *supra* note 37, at 86.
88 *Id.*
89 *Id.*
90 *Id.* at 92.
91 *Id.* at 90 (citation omitted).
92 *Id.* at 90-91.
93 *Id.* at 91.
94 *Id.* at 93-94.
95 *Id.* at 93.

Psychodrama Workshop

Round Top, Texas
February 7 – 10, 2001

The National Psychodrama Training Center will present a professional psychodrama training workshop in Round Top, Texas February 7 – 10, 2002. The purpose of the workshop is to teach the basics of the psychodramatic method to workshop participants. The training method is, itself, psychodramatic, experiential and non-linear. This means that psychodramatic techniques are integrated into the training, that the training incorporates "learning by doing," and that the workshop is designed for trainees at all levels of training. At each workshop there will be students preparing for certification as well as those who are attending their first workshop.

Workshops are open to anyone who is genuinely interested in learning about the psychodramatic method. Most participants come from the mental health professions or will be lawyers who use the method in their work. Educators, counselors, and all others are welcome to attend.

For more information or to register, call Michelle Stoneham (402) 451-8564.