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### Making your case with a better memory

Indiana Continuing Legal Education Forum (ICLEF)

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# **MAKING YOUR CASE WITH A BETTER MEMORY**

February 12, 2020

[WWW.ICLEF.ORG](http://WWW.ICLEF.ORG)

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# **MAKING YOUR CASE WITH A BETTER MEMORY**



## **Agenda**

- 8:30 A.M.      **Registration & Coffee**
- 8:55 A.M.      **Welcome & Introduction**
- 9:00 A.M.      **Deposition Demonstration**  
Introduction with demonstration displays the lightning speed of a trained memory. You will see the ease of remembering information from a deposition. Emphasis is placed on why we forget and how we remember.
- 10:30 A.M.      **Coffee Break**
- 10:45 A.M.      **How to Speak Without Notes to Jurors**  
Discover secrets on how to present a case without notes. Learn step by step techniques on how to draft your remarks, prepare your mind, and deliver a powerful presentation. To keep the jury in the palm of your hand, you'll have to let go of your notes.
- 12:15 P.M.      **Lunch Break (on your own)**
- 1:15 P.M.      **Cross Examination with Confidence**  
Using the two-step formula in recall, you will acquire the skill in remembering to ask key question during cross examination. Use of examples and illustrations help reinforce the proficiency when dealing with those on the witness stand.
- 2:45 P.M.      **Refreshment Break**
- 3:00 P.M.      **Remember Names and Faces of Jurors in Trial, Clients in the Presentations, and in Other Professional Settings**  
You will learn the FACIAL Formula to quickly remember a name. Attention is placed on concentration techniques and focusing on recalling the name correctly. Use of pictures and examples create a proven system in correctly matching a name to a face. You will learn how to remember first names, last names and groups of people.
- 4:30 P.M.      **Program adjourns**

February 12, 2020

[WWW.ICLEF.ORG](http://WWW.ICLEF.ORG)

## **MAKING YOUR CASE WITH A BETTER MEMORY**

### **Faculty**

**Mr. Paul Mellor**

Success Links

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e-mail: [paul@mellormemory.com](mailto:paul@mellormemory.com)

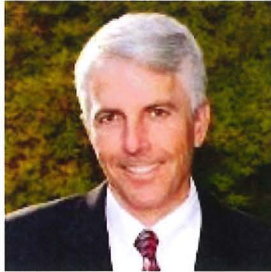


February 12, 2020

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## **Paul Mellor**

President, Success Links, Richmond, VA



*Paul Mellor* is president of Success Links, a memory training company dedicated to helping people improve their lives by improving their memory power. A finalist in the USA Memory Championship, Paul offers valuable systems and solutions on how to strengthen memory. Paul's skills have benefited everyone from business professionals to senior citizens to school children. He has written extensively on memory improvement and has been quoted in numerous national media, including Newsweek, USA Today, Wall Street Journal, NPR Radio, WOR Radio (New York), and CBN Television.

He conducts seminars throughout the country and believes that everyone can build their brain power with the help of a few proven techniques. Paul also has the distinction of having completed marathons in all 50 states, an accomplishment he attributes to three things –belief, attitude and desire. He believes these same components are the keys to succeeding in life, no matter the goal. Paul brings passion, energy and proven methods to all his speeches and training sessions to help individuals and organizations achieve their goals. Paul's book *You're Almost There* about his inspirational journey across America as he ran in 50 marathons was released in 2011.

# **Making Your Case with a Better Memory**



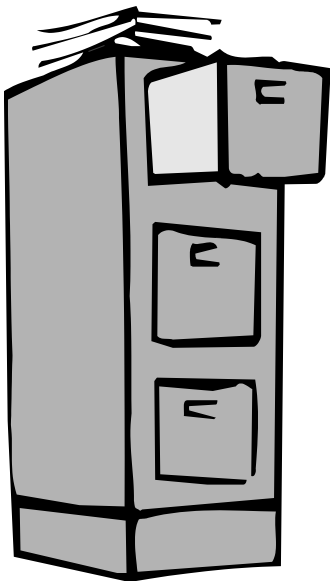
**Indiana Continuing Legal Education Forum (ICLEF)**

Wednesday, February 12, 2020  
Indianapolis, Indiana

Presenter

**Paul Mellor**

**8:14 am**



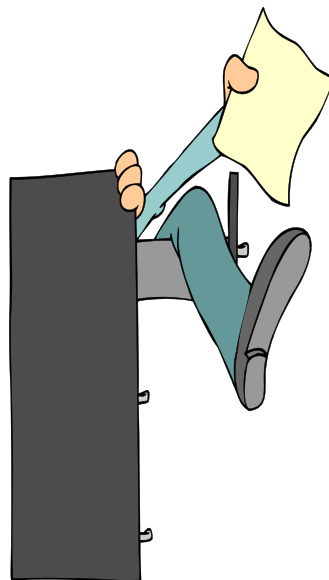
**8:14 am**



**8:14 am**



**4:27 pm**



# WHICH REMINDS ME ...

## CEILING

\_\_\_\_\_ ↙ \_\_\_\_\_ →

\_\_\_\_\_ ↙ \_\_\_\_\_ ←

\_\_\_\_\_ → \_\_\_\_\_

\_\_\_\_\_ ↙ \_\_\_\_\_ ←

\_\_\_\_\_ → \_\_\_\_\_

\_\_\_\_\_ ↙ \_\_\_\_\_ ←

\_\_\_\_\_ → \_\_\_\_\_

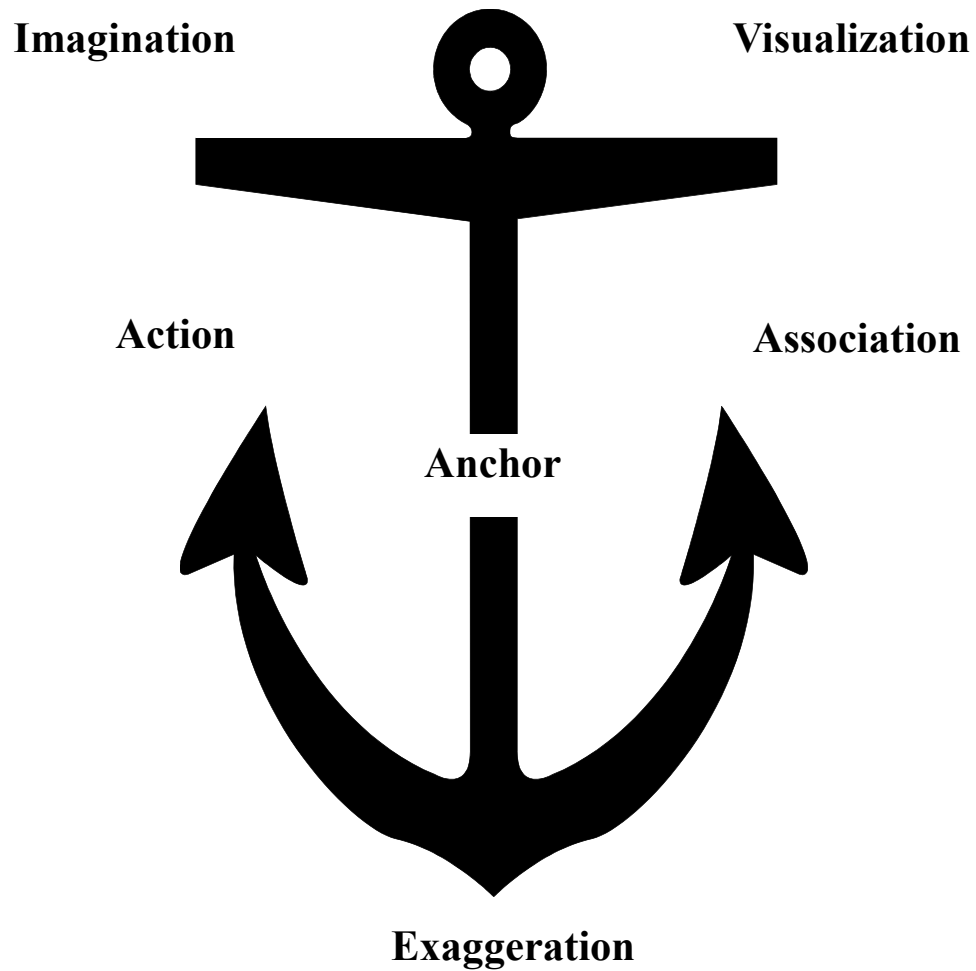
\_\_\_\_\_ ↙ \_\_\_\_\_ ←

\_\_\_\_\_ → \_\_\_\_\_

## HARDWOOD FLOOR



# **Components to a Mental Filing System**



## WHICH REMINDS ME ...

### WASHING MACHINE

└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

└─┘ \_\_\_\_\_ ←└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

└─┘ \_\_\_\_\_ ←└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

### TIE

└─┘ \_\_\_\_\_ ←└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

└─┘ \_\_\_\_\_ ←└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

└─┘ \_\_\_\_\_ ←└─┘  
\_\_\_\_\_  
.....→ \_\_\_\_\_

### HAYSTACK



Deposition of [REDACTED]  
Taken on February 18, 2005

Page 7

1 Q. Congratulations?

2 A. Thank you.

3 Q. Are you working right now?

4 A. Yes, I am employed at North Arundel Hospital  
5 as a CNA, certified nursing assistant.

6 Q. How long have you worked at North Arundel --

7 A. Almost a year this June.

8 Q. Where did you work before that?

9 A. I was employed by my father's company IHS,  
10 International Healthcare Services.

11 Q. What did you do for them?

12 A. I was a driver.

13 Q. How long did you work for your father?

14 A. Since I was 18, so about a year or so.

15 Q. Where did you work before that?

16 A. ~~Let me think.~~ I had previous jobs at  
17 McDonald's, the aquarium, Walmart, CVS.

18 Q. Got you. Okay. The year that you worked as a  
19 driver for your father, was that around the time of this  
20 accident?

21 A. Yes, it was.

*Deposition of [REDACTED]  
Taken on February 18, 2005*

*Page 18*

1 usually going. And I knew that a bend was coming up.

2 Q. So before the accident happened you had  
3 slipped on the roadway?

4 A. Yes.

5 Q. And you had decreased your speed because you  
6 slipped?

7 A. Yes, but it wasn't that drastic of a slip  
8 until I got into the bend.

9 Q. And how soon after you hit the bend was it  
10 before you slipped?

11 A. Because when I was slowing down, my brakes  
12 started to lock up and it picked up on ice. So it was on  
13 that bendway area and then my car continued and I just  
14 held onto the wheel and I started pumping the brakes in  
15 order to decrease my speed even more. But then my wheels  
16 locked up and I started crossing the median. And before  
17 I knew it I was trying to inadvertently go into a yard  
18 instead of going into the other direction and I see a car  
19 coming and my car was still trying to turn, but then it  
20 went straight instead.

21 Q. Okay. Let me break that down?

## LOCATION, LOCATION, LOCATION ...



#1.

\_\_\_\_\_

New Information (1)

\_\_\_\_\_



# 2.

\_\_\_\_\_

New Information (2)

\_\_\_\_\_



#3.

\_\_\_\_\_

New Information (3)

\_\_\_\_\_



#4.

\_\_\_\_\_

New Information (4)

\_\_\_\_\_



#5.

\_\_\_\_\_

New Information (5)

\_\_\_\_\_



#6.

\_\_\_\_\_

New Information (6)

\_\_\_\_\_



#7.

\_\_\_\_\_

New Information (7)

\_\_\_\_\_



#8.

\_\_\_\_\_

New Information (8)

\_\_\_\_\_



#9.

\_\_\_\_\_

New Information (9)

\_\_\_\_\_



#10.

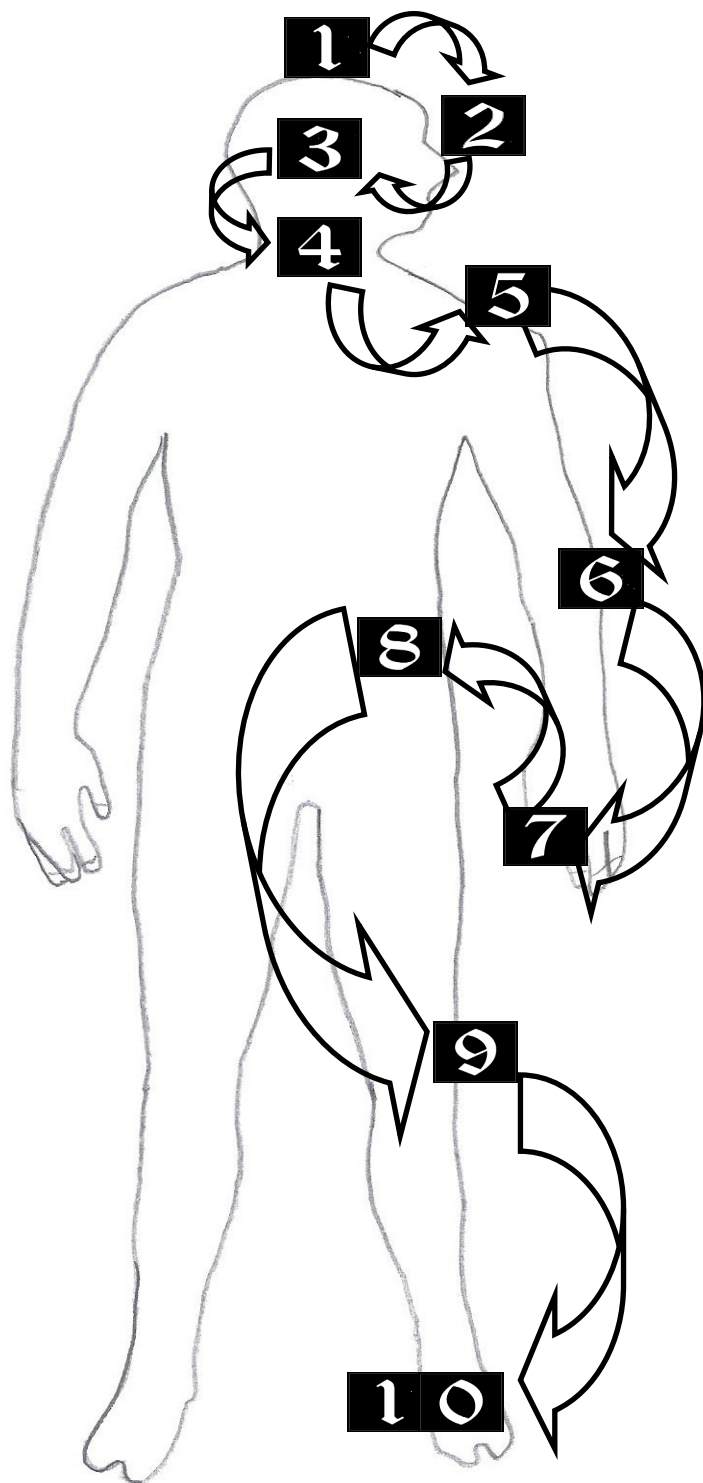
\_\_\_\_\_

New Information (10)

\_\_\_\_\_

## BODY ANCHOR

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_



## **IRVING YOUNGER'S 10 COMMANDMENTS OF CROSS EXAMINATION**

### **1. Be Brief**

Be brief, short and succinct. Why? Reason 1: chances are you are screwing up. The shorter the time spent, the less you will screw up. Reason 2: A simple cross that restates the important part of the story in your terms is more easily absorbed and understood by the jury. You should never try to make more than 3 points on cross-examination. Two points are better than three and one point is better than two.

### **2. Use Plain Words**

The jury can understand short questions and plain words. Drop the 50 dollar word in favor of the 2 dollar word. "Drive you car" instead of "operate your vehicle."

### **3. Use Only Leading Questions**

The law forbids questions on direct examination that suggest the answer. The lawyer is not competent to testify. On cross-examination the law permits questions that suggest the answer and allows the attorney to put his words in the witnesses' mouth. Cross-examination, therefore, specifically permits you to take control of the witness, take him where you want to go, and tell your important point to the jury through the witness.

Not asking controlled leading questions leaves too much wiggle room. What happened next? I would like to clear up a couple of points you made on direct? These questions are the antithesis of an effective cross-examination. Any questions which permit the witness to restate, explain or clarify the direct examination is a mistake.

You should put the witness on autopilot so that all of the answers are series of yes, yes, yes!

### **4. Be Prepared**

Never ask a question that you do not know the answer to. Cross is not a fishing expedition in which you uncover new facts or new surprises at the trial.

### **5. Listen**

Listen to the answer. For some, cross-examination of an important witness causes stage fright; it confuses the mind and panic sets in. You have a hard time just getting the first question out, and you're generally thinking about the next question and not listening to the answer.

**6. Do Not Quarrel**

Do not quarrel with the witness on cross-examination. When the answer to your question is absurd, false, irrational contradictory or the like; Stop, sit down. Resist the temptation to respond with "how can you say that, or how dare you make such an outrageous claim?" The answer to the question often elicits a response, which explains away the absurdity and rehabilitates the witness.

**7. Avoid Repetition**

Never allow a witness to repeat on cross-examination what he said on direct examination. Why? The more times it is repeated, the more likely the jury is to believe it. Cross-examination should involve questions that have nothing to do with the direct examination. The examination should not follow the script of the direct examination.

**8. Disallow Witness Explanation**

Never permit the witness to explain anything on cross-examination. That is for your adversary to do.

**9. Limit Questioning**

Don't ask the one question too many. Stop when you have made your point. Leave the argument for the jury.

**10. Save for Summation**

Save the ultimate point for summation. A prepared, clear and simple leading cross-examination that does not argue the case can best be brought together in final summation.

*Summarized from The Art of Cross-Examination by Irving Younger. The Section of Litigation Monograph Series, No. 1, published by the American Bar Association Section on Litigation, from a speech given by Irving Younger at the ABA Annual Meeting in Montreal Canada in August of 1975.*

## PHONETIC ALPHABET

**0** = z, soft c, s

*reminder...* ZerO ends with O

**1** = t and d

*reminder...* t and d stand on 1 leg

**2** = n

*reminder...* n stands on 2 legs

**3** = m

*reminder...* m stands on 3 legs

**4** = r

*reminder...* four ends with r

**5** = L

*reminder...* roman numeral 50 is L

**6** = sh, ch, j, soft g

*reminder...* mirror image of 6 resembles j

**7** = k, hard c and g, q

*reminder...* upside down 7 is present in k

**8** = f, v and ph

*reminder...* cursive f resembles 8

**9** = p and b

*reminder...* mirror image of p resembles 9

## **ANCHOR WORDS**

1.....	ha <b>T</b>	34.....	ha <b>MM</b> eR	67.....	SHa <b>Ke</b>
2.....	wi <b>Ne</b>	35.....	Mai <b>L</b>	68.....	CHe <b>F</b>
3.....	ha <b>M</b>	36.....	Mat <b>CH</b>	69.....	SHi <b>P</b>
4.....	oa <b>R</b>	37.....	ha <b>MM</b> o <b>CK</b>	70.....	Ki <b>SS</b>
5.....	oi <b>L</b>	38.....	Mo <b>Vie</b>	71.....	Ki <b>Te</b>
6.....	SH <b>oe</b>	39.....	Ma <b>P</b>	72.....	waGo <b>N</b>
7.....	Key	40.....	Ro <b>Se</b>	73.....	Gu <b>M</b>
8.....	i <b>Vy</b>	41.....	Roa <b>D</b>	74.....	Ca <b>R</b>
9.....	hoo <b>P</b>	42.....	Rai <b>N</b>	75.....	eaGL <b>e</b>
10.....	To <b>SS</b>	43.....	Ra <b>M</b>	76.....	Cou <b>CH</b>
11.....	Toa <b>D</b>	44.....	Rea <b>R</b>	77.....	Ca <b>Ke</b>
12.....	Ti <b>N</b>	45.....	Rai <b>L</b>	78.....	Ca <b>Ve</b>
13.....	Di <b>Me</b>	46.....	Roa <b>CH</b>	79.....	Cu <b>P</b>
14.....	Doo <b>R</b>	47.....	Rock	80.....	Va <b>Se</b>
15.....	Tai <b>L</b>	48.....	Roof	81.....	Fee <b>T</b>
16.....	Di <b>SH</b>	49.....	Ro <b>Be</b>	82.....	PHo <b>Ne</b>
17.....	Do <b>G</b>	50.....	La <b>SS</b> o	83.....	Foa <b>M</b>
18.....	TV	51.....	waLL <b>eT</b>	84.....	Fi <b>Re</b>
19.....	Tu <b>B</b>	52.....	Lio <b>N</b>	85.....	Fi <b>Le</b>
20.....	No <b>Se</b>	53.....	Li <b>Me</b>	86.....	Fi <b>SH</b>
21.....	wi <b>ND</b> ow	54.....	Lawye <b>R</b>	87.....	Fi <b>G</b>
22.....	oNio <b>N</b>	55.....	Li <b>Ly</b>	88.....	Fi <b>Fe</b>
23.....	gNo <b>Me</b>	56.....	eyeLa <b>SH</b>	89.....	FB <b>i</b>
24.....	wieNe <b>R</b>	57.....	Lo <b>G</b>	90.....	Bu <b>S</b>
25.....	Nai <b>L</b>	58.....	Lea <b>F</b>	91.....	Ba <b>T</b>
26.....	Na <b>CH</b> o	59.....	Li <b>P</b>	92.....	Pia <b>No</b>
27.....	Neck <b>K</b>	60.....	CHee <b>Se</b>	93.....	Bo <b>Mb</b>
28.....	kNi <b>Fe</b>	61.....	Je <b>T</b>	94.....	Bea <b>R</b>
29.....	Na <b>P</b>	62.....	CHai <b>N</b>	95.....	Pai <b>L</b>
30.....	Mou <b>Se</b>	63.....	CHi <b>Me</b>	96.....	Bu <b>SH</b>
31.....	Ma <b>T</b>	64.....	CHai <b>R</b>	97.....	Bi <b>Ke</b>
32.....	MoNe <b>y</b>	65.....	Jai <b>L</b>	98.....	Beehi <b>Ve</b>
33.....	Mu <b>MM</b> y	66.....	CHoo CHoo	99.....	Pi <b>Pe</b>
				100.....	ou <b>ThouSeS</b>

## THE NAME GAME

- Get ready, here it comes
- Hey, look at me when I'm talking
- Hi, I'm Fptuith Mitwljht
- Throw it back
- I'm Rose, like the flower

## WHAT'S IN A NAME?

Walter

---

Roxanne

---

Julie

---

Tony

---

John

---

Sophie




---

Bill

---

Barbara

---

<b>Names of family or friends</b> 	<b>Another person with the same name</b> 	<b>Name translates to object (visualization)</b> 
--	---	---

- |    |            |                     |             |
|----|------------|---------------------|-------------|
| 1. | <u>Ben</u> | <u>Ben Franklin</u> | <u>Bean</u> |
| 2. | _____      | _____               | _____       |
| 3. | _____      | _____               | _____       |
| 4. | _____      | _____               | _____       |
| 5. | _____      | _____               | _____       |
| 6. | _____      | _____               | _____       |
| 7. | _____      | _____               | _____       |
| 8. | _____      | _____               | _____       |

## PICTURESQUE NAMES



\_\_\_\_\_



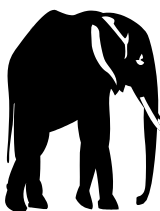
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\_\_\_\_\_

## **GETTING TO THE SURFACE**

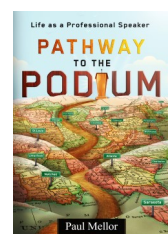
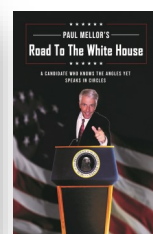
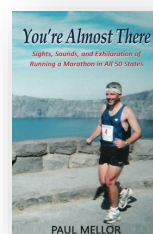
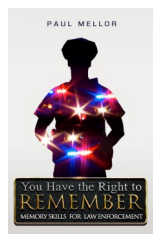
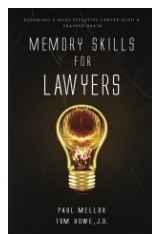
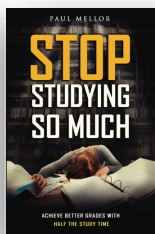
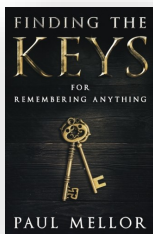
- Color = Robert *Redford*,
- Brand Name = Burt *Reynolds* (Wrap),
- Place = Garth *Brooks*,
- Occupation = James *Taylor*,
- Object = Bill *Gates*,
- Animal = Michael J. *Fox*,
- Sounds Like = Henry *Aaron* (Iron),

Recap ...

Please, I beg you ...

never ever,  
attempt, try, strive, undertake,  
make an effort, or take a crack at  
remembering more than two (2)  
things at a time.

*Thank You*



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(quantity)

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in the amount of \$ \_\_\_\_\_ and have mailed to:

**Paul Mellor  
1405 St. Joan Court  
Richmond, VA 23236**

email: **paul@mellormemory.com**  
phone: **804-873-6090**  
website: **mellormemory.com**

**Credit Card information (VISA / MC / DISC / AMEX) in the amount of \$ \_\_\_\_\_**

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**EXP:** \_\_\_\_\_ / \_\_\_\_\_

**3-Digit Code (back of card)** \_\_\_\_\_  
**AMEX 4-Digit (front of card)** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**CITY/STATE/ZIP:** \_\_\_\_\_

**PHONE:** ( \_\_\_\_\_ ) \_\_\_\_\_