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Book review: *Made to Stick. Why Some Ideas Survive and Others Die*

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I was introduced to this book by a member of a networking group, a salesman, who thought it would be helpful to those of us in other professions. The book was on the New York Times Bestseller list and piqued my interest because, as lawyers, the ability to sell is important. We work as salesmen when we try to retain clients or when we try to encourage a judge to “buy” our argument. Two fundamentally essential elements to the litigator’s practice. If we did not have clients, we would not be in front of a Judge trying to sell our side of the case. If we were unable to convince a judge once in a while that our arguments were correct, then we probably would not have very many clients. Based on this profound analysis, I bought the book and was hopeful that it would have some useful information for me as a lawyer. I was pleasantly surprised.

The book starts out by talking about urban legends and, even though the stories are not factual, they are easily remembered and repeated over and over by so many. I was fascinated to read about the scare during Halloween season in the 70s. It was during that time that every parent had a fear that drugs, needles or razor blades could have been placed in a treat that their child received from a stranger on Halloween night. I vividly remember this as a child. I remember being lectured about this at school, advertisements on local television about our hospital would be offering free X-rays of candy collected by children. Every parent was compelled to sift through their children’s candy collected and throw away anything that was unwrapped or looked suspicious. Apparently, no cases exist where this actually happened. I thought for sure that numerous children had found razor

blades in the apples they had been given on Halloween night. The book points out those researchers studied every reported Halloween incident from 1958 and found that two children did die on Halloween but the deaths were not from treats contaminated by a stranger.

How does this happen? How does a story like this become so real to so many people? The use of vivid concrete images that have the ability to stay in our memories are essential when you want to get your point across.

Six principles to making sure your story sticks:

1. Simplicity. Don’t argue 10 points when you can get results by arguing two.
2. Unexpectedness. Say something to generate interest and curiosity.
3. Concreteness. Stories must be presented to allow the listener to visualize.
4. Credibility. Back up for your argument or Idea with sources
5. Emotions. Make the listener feel anger, disgust, sad, sorrowful, happy.
6. Stories. Story telling

The Book lists several examples of these principles at work and concludes that every story that “sticks” is comprised of these six principles. When you look at the list you might be thinking that most of us already know that in order to communicate effectively we have to be simple and tell a story. The six principles should be easy to implicate and anyone who reads this should have an abundance of, what the book refers to as “brilliantly designed sticky ideas.” However, that is not the case. Even though it appears to be common sense and uncomplicated, the book explores the “Curse of Knowledge”

which I found fascinating and especially applicable to us lawyers trying to tell our story or argument to a judge.

The “Curse of Knowledge” is something that we have and blocks our ability to put ourselves in the shoes of the person listening to our story. This “Cures” was studied in 1990 by a Ph.D. in psychology at Stanford by using a simple game called “Tapper and Listener.”

This section of the book was so interesting and very relevant to what we do in the courtroom. I practice in the area of domestic relations and I have argued both sides of a case on the same issue time and time again. I know the Judge has heard the arguments and sometimes I often times assume the Judge knows what I am talking about and will understand my point of view. I don’t want to appear to suggest that the judge needs to be educated so I have to make a strong compelling argument without too much unnecessary legal or statutory detail.

The book details this game, Tapper and Listener” done with two groups. One group were the “tappers” and the other group were the “listeners.” A tapper was to tap out a well known song on a table while sitting across from a listener. Songs like, Happy Birthday, Twinkle Twinkle Little Star and Star Spangled Banner. The tappers estimated that the listeners would guess 50% of the songs correctly, but in actuality the listeners were only able to guess only 2.5% of the songs. The fundamental lesson is that when tappers are tapping the song, they hear it in their heads. Try it, it is impossible to tap out the tune “Happy Birthday” on the table without hearing the song in your head. The listener, on the other hand, cannot hear the song in their head but

only hear the tap - tap - tap. The tappers are shocked when the listener does not guess the song, The tappers reported thinking, "isn't it obvious what song this is" or "how could you be so stupid."

Everyone agreed, it is most difficult to be the tapper. The tapper is the one with the knowledge and it is hard to understand what it is like to not have that knowledge. Hence the "Curse of Knowledge." We as lawyers are "tappers" and the Judge's are "listeners" both the tapper and the listener know the very popular Happy Birthday Song for sure,

but when the lawyer is standing before the bench tapping out their argument they hear the song in their head and it is hard to believe that the Judge is not picking up on what they are saying. But remember, the Judge does not hear the song in their head, all they hear are disconnected taps.

There is a very important lesson here. We have to make sure that we lawyers, as tappers, are not cursed by the knowledge, by what we hear in our heads as we are laying out our arguments. The listener can only hear and understand our words, not what we think

we are saying or trying to say but what we actually are able to articulate. To make the story or argument we are articulating memorable, as we learned above, we implement the six principles. The book discusses other barriers to our ability to implement the six principles and I have only discussed the "Curse of Knowledge" but I would encourage anyone interested in obtaining a great strategy for making your ideas and argument's stick with someone, to pick up the book titled *Made to Stick. Why Some Ideas Survive and Others Die* written by Chip & Dan Heath. ■

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