

Authority Magazine

Top Lawyers: Andrew Caple-Shaw Of ACT of Communication On The 5 Things You Need To Become A Top Lawyer In Your Specific Field of Law

An Interview with Eric L. Pines



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talent or hard work can break through. Listening with depth and focus is extremely difficult.

The legal field is known to be extremely competitive. Lawyers are often smart, ambitious, and highly educated. That being said, what does it take to stand out and become a “Top Lawyer” in your specific field of law? In this interview series called “5 Things You Need To Become A Top Lawyer In Your Specific Field of Law”, we are talking to top lawyers who share what it takes to excel and stand out in your industry.

As a part of this interview series, I had the pleasure of interviewing Andrew Caple-Shaw.

Andrew Caple-Shaw is the managing partner at ACT of Communication, where he leads a team of trial strategy and witness preparation specialists who help firms win some of the highest stakes and highest profile cases in the country. An actor on stage and screen for over three decades, he uses the skills he developed in his first career to help bridge the emotional and communication gaps between litigators, their clients, and jurors. He is a sought-after speaker for numerous national legal associations, organizations, and law firms. Various members of his team hold record verdicts in jurisdictions across the United States.

Thank you so much for joining us in this interview series. Before we dig in, our readers would love to get to know you a bit more. What is the

“backstory” that brought you to this particular career path in Law? Did you want to be an attorney “when you grew up”?

The practice of law was nowhere on my radar growing up. The road to law probably started when I had trouble making friends as a kid. My parents signed me up for theater classes. I think they thought, “Theater people will accept anybody.” If so, they were right. I worked my first professional acting job at age 8.

At 18, I moved to Los Angeles for college. My goal was to become a professor or go into public service, not act. But in the meantime, I had never held a job outside of a theater other than a brief stint in a rubber products warehouse. I figured I would get a few commercials or small TV roles and make a few bucks. A decade later, I had a great career as an actor. I was even on the board of the actor’s union. But it wasn’t mentally challenging. It felt void of meaning. And at any given point in time as an actor, you could have a zero-dollar year. With a writer’s strike on the horizon, I signed up for law school. I planned to graduate in less than two years, thinking it would be a way to get into teaching faster than a PhD.

However, in law school, I discovered trial work, which is basically a mix of self-written monologues and two-person improv work with witnesses. It was a perfect fit.

Can you tell us a bit about the nature of your practice and what you focus on?

My team and I are brought in specifically to help lead counsel find their voice, connect with the jury, and tell a compelling story. My work is also to

change the number of digits on the verdict form to align with the truth of what actually happened in the case.

The most significant part of our work at Act of Communication is helping witnesses communicate their stories in depositions and trials. Most of that is in high-stakes plaintiff's personal injury litigation, but we also do a decent amount of intellectual property, business litigation, and domestic work. The work I do is all about helping people tell stories in an honest and emotionally compelling way. But there are layers to it. You must know what does and does not move a jury, what the court will allow, and so on.

You are a successful attorney. Which three character traits do you think were most instrumental to your success? What unique qualities do you have that others may not? Can you please share a story or example for each?

First, emotional awareness is vital. I'm blessed to have started amassing a toolkit of emotional communication techniques at an early age. It's that 10,000-hour thing. One of the first tools you are handed as an actor is emotional awareness: self-awareness and the ability to emotionally listen to others. What was a gift given to me by my path in life as a professional tool has become a character trait: the ability to know your own emotions and to be open to the feelings of others. Sadly, it took me a good two decades to grab hold of it after my first exposure to these concepts. I still have a way to go personally, but I've come a long way professionally.

As far as stories go, which will be a recurring theme, I'm limited by confidentiality. I tell stories for a living, so I know how important they are to keeping people engaged. It's just hard.

Empathy is another critical trait, and it's connected to understanding others' points of view. Growing up in Texas and spending my young adulthood in California, I'm blessed to have people I love on both sides of the political and social aisle. As a lawyer, you have to be able to switch camera angles to see things from the other side to protect your client. As a trial lawyer, in particular, you have to respect the views of everyone in the jury box. I listen to both conservative and liberal media equally, 50/50, which I think is rare. A lot of what I listen to absolutely makes my stomach churn. But listening to pundits on both ends helps me to never see the other person in a situation as "evil," "bad," or "wrong." That's not to say some things aren't morally wrong or some people aren't damaged to the point that very little good is left. The wisest course in litigation to win for a client is looking for a reasonable, well-intentioned thought process behind the other side's actions. It goes a long way in anticipating their next move.

A sense of humor is a lifesaver. I tried standup for a while. I was terrible. It is a profoundly challenging art form. But along the way, I learned more about something I had known since I was a kid: the value of making fun of yourself to connect with people. Watch any good comic, and unless they are an all-time master, they will usually take a shot at themselves within the first few minutes of the set. So many of them will tell you they learned to be funny to take power away from a bully who would otherwise mock them. That's where my sense of humor came from.

This morning, I asked a witness how she was doing. She said, "I'm good, you?" I knew she was on a pain pump and that this was politeness, not sincerity. So my response was, "Well, you can't see it, but I just poured a large amount of iced tea on myself, which is impressive because I'm drinking from a spillproof Yeti with a lid. And I burned myself on a slice of pizza, which

probably led to the tea thing. And I'm at a place in my life where pizza is breakfast. So, ya know." All of that was true. I just had to throw it out there.

In return, I got, "If we're being honest, I didn't get a wink of sleep because I was scared of this meeting." My response to that? "You should be. The last time I did a case with [Lawyer Name], I killed a guy. During our Zoom." That reads like a Dad joke here, but because I delivered it deadpan, there was a moment where she was shocked before she took a deep breath and smiled. It jolted her out of her fear. That was my connection. I followed it with, "Seriously though, tell me a little about that fear?" And we were off to the races.

Do you think you have had luck in your success? Can you explain what you mean?

I love a quote attributed to Thomas Jefferson: "I'm a firm believer in luck, but I find the harder I work, the luckier I am."

Without a doubt, my most significant lucky break was meeting Katherine James and Alan Blumenfeld. Katherine, in particular, is to trial storytelling work what Ali is to boxing or Gretzky is to hockey. If you find the top five trial lawyers in any state and say her name, four will either know her or say she greatly impacted them. Looking at the history of modern litigation, Katherine was like the smoking man from the X-files or Forrest Gump, always in the room when big things happened and usually turning the lever that kicked it all off. She was there whenever a breakthrough occurred in landmark cases like tobacco, asbestos, or defective automotive products. Her reputation is why we rarely comment in the media on high-profile cases; we are likely to end up working on them. I constantly talk about how lucky I am to have been her protégé.

The flip side is that meeting Katherine and Alan wasn't an accident. I spent decades building the relationships that would introduce me to them. And I refused to take no for an answer when she and Alan initially told me they don't work with other people. So I am lucky, but that luck would have passed me by had I not been persistent.

**Do you think where you went to school has any bearing on your success?
How important is it for a lawyer to go to a top-tier school?**

The name of the law school didn't matter to me. Aside from the rules of evidence and some foundational stuff that I learned in the trial, I don't know that I used much I learned in law school. Acting teachers and mentors taught me what I use today, and there wasn't necessarily a connection between the good and famous ones.

Trial lawyers are odd ducks. You can go to a terribly ranked school and get a better trial law education than at a top 10. And no matter where you go to school, the proof will be in your wins and losses. I am immediately relieved when I see opposing counsel went to Harvard or Yale. They will likely not relate to the jury and be way too cocky. But I know I am in for a fight when I see someone who went to a school like Drexel, Cumberland, or Stetson.

If we are talking about any law job outside of trial law, schools matter because first jobs matter. Or so I'm told. I have no clue. This may sound funny, but I've only ever been hired for a job once. It was a job where nobody else applied. And they still reposted it before hiring me. Everything I have ever done was a scrappy DIY business venture, an election, or a partnership.

Based on the lessons you have learned from your experience, if you could go back in time and speak to your twenty-year-old self, what would you say?

Would you do anything differently?

Professionally, I needed to take the path I took to learn the lessons I learned. I would leave “old me” alone. Life dealt him some fierce punches. But in the same way, being benched in high school changed Michael Jordan forever, gave him a drive, and the most catastrophic failures forged me into who I am. And the guy who came out of it is a good guy, or at least tries hard to be.

The biggest professional advice I would give him about life is to be more like the cheesy 20th-century values that were pitched to you as a kid in 80s cartoons or civics class. Don't be what Hollywood and “the cool kids” in your teens and twenties suggest you should be to get ahead. The hard truth nobody tells you as a kid is this: a character has almost zero short-term payoffs. Nice guys almost always finish last in the short term. But honesty, kindness, loyalty, fortitude, and the like are your best bets in the long game. Few people without them truly win in the end. If you go with those and still lose, you'll always have a friend in the mirror. For example, don't do the reading in school to get the grade. Do the reading because then you'll have that knowledge later in life.

That last thought leads me to a critical thought I might share with old me. Lawyers sell their history of knowledge more than they sell their time. Accumulated knowledge has a super-mega compound interest quality to it. How skills and experiences play off one another as you're amassing them has an amplifying effect. Right now, I can charge five times what my competition does for my services because I know the answer to a client's question in one second, which would take my competitors an hour or a day. In that instance, I add 60 times the savings and only charge five times the price. I'm a steal. As an attorney, or in most cases, a consultant, I'm reselling my experience but slicing off the dead weight of the learning curve. That is

my economic value. That's why you work when you're a student or green. Do the work for the long-term payoff.

This is not easy work. What is your primary motivation and drive behind the work that you do?

My client's clients are the people who have been hurt or had things taken from them. Most of the time, I'm working with people who are paralyzed — people who held their dying child in their arms as they begged and cried — people who saw the invention they spent their life coming up with stolen by a greedy corporation. Between the age of 15 and before I started this work, I cried three times. Doing this work, now I cry at least once a week. It sounds corny to say justice and hope drive me, but that's my honest answer — that and taking care of my team. I feel responsible for the well-being of the people who work with us.

Here is another way to describe what drives me. Sometimes, you have something horrible happen and think, "If only I had left the house a minute earlier..." And that feeling haunts you? My career is about stopping those moments for other people before they happen. When one of my lawyers gets a huge verdict that takes a defective tire off the road, hundreds of people all over the country could have died, been paralyzed, or lost a loved one to one of those tires. Now they're walking around, unaware of the fate they avoided because of someone they never met. We are why deadly products are recalled, toxic messes are cleaned up, and deadly drivers are taken off the road. I get to "save the day" a thousand times over for people I have never met. It's the best feeling ever.

What are some of the most interesting or exciting projects you are working on now?

Due to attorney-client privilege, I can't say. Click over to the legal page of your favorite new website. No matter when you read this, at least one of ours is there.

Someone in, I think, the Clinton administration once said (and I'm paraphrasing), "I remember when we got to the White House, we kept waiting for the people in charge to come tell us how to do stuff. And then it dawned on us we were the ones in charge. And it seemed ridiculous. And horrifying." My feelings about the dollar values of cases we are on and the high-powered attorneys we work with make me think of the Groucho Marx quote that he would never join a club that would allow him as a member.

Here is a funny story on that point. We recently were part of a huge case where our contribution drove the outcome. My teammate was eating cereal on Zoom when I said, "Did you see an emergency meeting of the board of directors of [an S&P company] was called because of you?" She spit out her cereal, laughing, then questioned reality. That happens a lot with us. Again, privilege rules kill my ability to tell detailed stories.

Where do you go from here? Where do you aim to be in the next chapter of your career?

More of the same. Less travel. More hands-on career-long teaching at our trial skills center. And more time in the courtroom. I'll be doing more writing. I have a few books snailing along.

Without sharing anything confidential, can you please share your most successful "war story"? Can you share the funniest?

We have a lot of unforgettable Atticus Finch-style courtroom moments, but in most of those, we don't disclose our involvement.

Most of my best stories are embarrassing ones. One of our regular clients is arguably the best plaintiff's attorney in the nation, a top 10. The first time we worked together, I sent him a 2 page email of things he should do on the case. A week later, it hit me out of the blue. I had just given quarterbacking advice to Tom Brady. Some of my emailed ideas may have come from his book. I often did that in Hollywood, not recognizing famous people and saying stupid things. I have an excellent Debbie Gibson story, a Michael Bolton story, and the tale of when I was knocked out of contention for the Rhodes Scholarship in the most awkward incident of cringe comedy ever. It was a formal dinner. It was the British version of "The Office" cringe. I really can be a complete idiot. What was the question again? War stories?

One of my favorite trial teams had a case once where they needed to demonstrate a medical procedure done on an infant. So, they ordered about 20 dolls from Amazon and planned on picking one for the trial demo. That left them with 19 dolls, some of which were super creepy. They then hid them all over the office, in places like the freezer. Levity is a welcome companion in a heavy case.

I gravitate more toward the people who tell war stories of how they lost and what they learned than people who brag about their shining moments. Might I add that the attorney I advised even though he was a rockstar? He still listens to first-year junior lawyers because he genuinely believes he can learn from them. That's why he is so awesome.

Ok, fantastic. Let's now shift to discussing some advice for aspiring lawyers. Do you work remotely? Onsite? Or Hybrid? What do you think will be the

future of how law offices operate? What do you prefer? Can you please explain what you mean?

100% remote until trial. All of my team work from home. If they want to live in an Airbnb on a ski slope for a month, go for it. Why do I care? It gets me better people who are happy to work for the cause.

Come trial time, kiss your kids goodbye, get your bedroll for under the conference table, and go live in the hotel war room. Until then, we should not care where people work.

There's an aspect of legal work that involves supervising support staff where an office is needed. But you don't have to monitor if you can find dedicated, hardworking staff. I don't see a reason for an office. Maybe if you're an extrovert and need water cooler time? To keep engaged, I prefer my team to be engaged outside of work. Our operations lead is a photographer and choreographer. Our marketing lead was in the Yellowstone spinoff 1923. One of my team is currently doing Sweeny Todd.

My dream future is private offices in beautiful places you only go to because you can't work at home due to distractions and compromised discipline. How about a tiny office above a cheese shop, a he-shed/she-shed by your barn, or an old loft in an artist building downtown? Wouldn't it be nice to spend work in a place where you would want to spend your day? There's no reason I can't be in one of those in one state while my support team is in their happy place in another state.

How has the legal world changed since COVID? How do you think it might change in the near future? Can you explain what you mean?

Where to begin? Juries are angry, and rightfully so. There was a massive transfer of wealth during COVID. It hit people hard. Average Americans are desperate for fairness and are looking to the legal system for it.

Regarding the day-to-day legal work, you really want to return to the “virtual or in-person” question from a moment ago. People are rethinking offices. Virtual practice also sped up electronic documents even more.

I got to be on a panel with the judge from the “I’m here, Your Honor, and I’m not a cat” video. He said, “Not knowing how to use Zoom is basically the same as getting a legal pad and doing your case research with books. It’s malpractice.” The changes aren’t coming; they have happened. How long will we, as a community, hold on to our old ways? My team is now being hired to train firms that are losing clients to competitors just because those competitors do better Zoom pitches. That’s a scary place for a giant firm to be.

Based on your experience, how can attorneys effectively leverage social media to build their practice?

I was lucky that as I built my practice, I merged with the most established name in the business. I’m at capacity, so I have to avoid social media. We recently decided that we are going to make a social push to protect our brand recognition.

Regarding brand recognition, the big thing is you have to ditch the idea of the company name and accept that people want to know you as a PERSON. Social has displaced conferences as the place where we meet our professional friends. For example, my now-retired partner engages many

clients with daily photos of flowers she takes on her morning walks. It has nothing to do with law and everything to do with personal engagement.

With attorneys, people are buying us, not some widget. Be yourself, and the right people will be attracted to you. Unless you're a jerk, then don't be yourself... yet. Get help with your issues, and then be yourself.



What are your “5 Things You Need To Become A Top Lawyer In Your Specific Field of Law?”

#1. Really listen and really talk.

I stole this from one of the great acting teachers of the 20th century, Sanford Meisner. He used “Really talk and really listen” as a cornerstone of his teaching. Listening is the skill that separates the genuinely GREAT courtroom attorneys and law office leaders from the rest of the pack. The inability to listen at a high level creates a glass ceiling that no amount of talent or hard work can break through. Listening with depth and focus is extremely difficult.

The “really talk” part of that quote is about authenticity. It’s about putting aside what you think you should be projecting to people and trusting that you, as you are, are enough.

#2. It’s not about you.

There is no area of the law where the attorney is the story’s center. (Except for legal malpractice law, and I hope nobody reading this ever ends up in that situation.) I was lucky to inherit some of the top trial attorneys of this generation as clients from my senior partners. The ones who “own the courtroom” don’t do it because of a baritone voice or silver tongue. They do it because they make the case about the people involved in the story and the jury.

#3. Find great mentors.

In every high-profile hundred-million or billion-dollar case, I can trace 80% of my good ideas back to my mentors. In law especially, you reach a point of diminishing returns if you are good. At that point, legacy becomes essential. Mentoring is a fun, rewarding experience for the kind of person you would want as a mentor. You have to be the kind of mentee you would want to have as a mentor. Ask questions, carry the briefcase, volunteer for the grunt work, and in displaying excellence with the grunt work, you earn the right to try the heavy lifting.

People who didn't have kids or those who had kids who chose a different career path than them make especially great mentors. They want their work to live on. They want to see themselves in the next generation. It's your chance to inspire them if you do it right and work hard.

#4. There are no little people.

A great paralegal knows more than all but the best lawyers. Clerks are the way to a judge's trust. Jurors are smarter than you. That last one is especially true. When people say jurors are idiots, I want to smack them. Jurors may not, on average, be that educated, but they are brilliant. I often give presentations about why having a 7th- to 8th-grade education level helps people make the best decisions in a trial.

#5. I am an idiot and a child.

There are very few people who do what I do. Most are colleagues I respect and am happy to lose a few clients to or steal a few clients from. But a few in the professional pool have no idea what they are doing. I saw a video recently of a guy promising to change your life and get you on the fast track to seven-figure verdicts. I balked, "He's been doing this for four years, and

HE has all the answers? I've been at it for almost 37 years, and I am still just an idiot and a child before the depth and complexity of the art form." With the retirement of Katherine James, I am the best on the planet at what I do. But in the grand scheme of things, I'm a moron, fumbling around in the dark with still 10,000 things to learn. It's not wrong to admit you don't know it all.

And democracy doesn't have it all figured out. Churchill is famous for saying democracy is the worst form of government designed by man, except for all others. That's how I feel about my work sometimes. But we (and the law) are all constantly evolving.

We are very blessed that some of the biggest names in Business, VC funding, Sports, and Entertainment read this column. Is there a person in the world or in the US with whom you would love to have a private breakfast or lunch, and why? He or she might see this. :-)

Jonathan Haidt. I want to tell him what I do and pick his brain on how to do it better.

I'm currently fascinated by the tools preachers and motivational speakers use to make storytelling feel personal to the listener. They're tapping into something I have yet to wrap my brain around when they do what they do. So, a mega-church pastor or a Tony Robbins type might be fun. But only someone doing it for the right reasons, not someone using that gift or those tools exploitatively.

This was very inspiring. Thank you so much for the time you spent with this. We wish you continued success and good health!

Thank you for having me. This was fun.