

**Show Me, Don't Tell Me: Discovering a Story of Medical Negligence
Through the Power Psychodrama**

By: Simina Vourlis, Esq.

A group of lawyers are seated together in a semi-circle. Before them is an empty space that becomes a stage. Also in the group is Veronica, a victim of medical negligence. Veronica's hepatic duct was severed during laparoscopic gall bladder surgery. We are here to prepare Veronica for an upcoming deposition and trial by discovering the story of her case using psychodrama.

Psychodrama is the art of putting a story into dramatic action. It is a way of showing, rather than telling the story. Originally created by J.L. Moreno, an Austrian psychiatrist, as a method of experiential therapy, Gerry Spence pioneered the use of psychodrama in trial practice and has made it the foundation of the trial method taught at the Spence Trial Lawyers College.

By recreating experiences, memories of the original event are brought forth as though they are happening in the now. Reenactment almost always triggers facts the client has forgotten often revealing pivotal pieces missing from the story. Psychodrama triggers the original emotions as though they are being experienced for the first time. A powerful emotional story is created, a story we want told in deposition and trial. The audience is able to reverse roles with the client and experience and feel the story as the client does. This is exactly what we want our jurors to do. While experiencing the story, the jurors spontaneously put themselves in the shoes of the plaintiff without the lawyer ever breaking the Golden Rule.

Back in our group, we have made a list of scenes that the group would like to see recreated to discover Veronica's story: the emergency room; waking up after surgery; the surgeon before the second surgery; the grueling healing process; the loss of Veronica's job and Veronica's relationship with her husband. Veronica will reverse roles with each of the actors in these scenes producing the words, actions and feelings of each actor. She will then play herself as the lawyers play each of the other roles in the story. Each complete scene is reenacted. The story unfolds.

Here is some of what we see as we reenact Veronica's story:

In the emergency room, a surgeon with erratic speech and mannerisms is telling Veronica that her laparoscopic surgery will take 20 minutes. Veronica is nervously listening to him while looking back and forth at her mother and husband with a look of apprehension on her face. The doctor leaves. Veronica is telling her mother and husband that there is something wrong with this doctor. Her mother is brushing her off, telling her she is overreacting and that the doctor wouldn't be here if he wasn't qualified. Without realizing it, Veronica feels like a little girl who wants to please her mother. She gives in and allows the doctor to do the surgery.

Veronica is waking up after surgery. She is feeling a kind of pain worse than any of the four times she gave birth naturally without medication. She touches her stomach and realizes that her entire abdomen is bandaged. Her husband sitting next to her tells her, "You we're in surgery for 5 hours. That doctor really messed you up."

The surgeon enters Veronica's room. He tells her that he is sorry. He has accidentally severed her hepatic duct. He says he's done his best but couldn't repair it. He tells her he is sending to another hospital where hopefully another surgeon will fix it. Veronica asks him what is going to happen if it can't be fixed. The doctor is looking at her. For a very long time he is not saying anything. Finally without emotion, he says, "You'll die." Veronica physically feels her heart drop into her stomach.

We see Veronica waiting for the transport to the other hospital. In her head, she is seeing each of her children and grandchildren and anguishes over who will take care of them. Who will finish planning the birthday party for her twin granddaughters?

Veronica is on the phone with her boss. Her boss is yelling into the phone, "If you don't come back by Friday, you are fired!"

We see Veronica at her job caring for mentally disabled adult men. We meet John, one of Veronica's clients. He insists on wearing a suit every day. He always carries his Bible, although he can't read it. We see John in church on Sunday with Veronica. He is holding her hand and singing loudly with the choir.

Lastly, we see John being told that Veronica won't be back. He is weeping and asking who will take him to church.

After our psychodrama session, Veronica calls her mother and tells her that she was scared to walk into a room full of lawyers but by the time it was over she truly felt cared for and heard. Her deposition takes place the next week and Veronica is able to express the emotional trauma she experienced in a thorough and calm manner while giving her testimony in story form which conveys a visual and emotional depth not possible with the average client deposition prep.

Taking the most powerful scenes, we can recreate them in the court room for a jury. A reenactment can be done as part of an opening statement. Most judges will allow reenactments in the courtroom by witnesses. This is done by first asking the witness if it will be more helpful to show the jury what happened rather than telling them and then asking the judge's permission for the witness to leave the witness chair.

Psychodrama is a powerful method that will show, rather than tell, the plaintiff's story creating an emotional visual that draws the jury into the plaintiff's world and allows them to see it through the plaintiff's eyes and feel it through the plaintiff's heart.

Biography: Simina Vourlis is trial lawyer, certified psychodramatist and a national case and trial consultant. She is a National Board of Trial Advocacy Board Certified Civil Trial Advocate and a Member of the Million Dollar Advocates Forum. Since 1999, Simina has been a member of the faculty of Gerry Spence's Trial Lawyers College. She is licensed Ohio and Virginia.