

OPENING STATEMENTS AND CLOSING ARGUMENTS

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PURPOSE

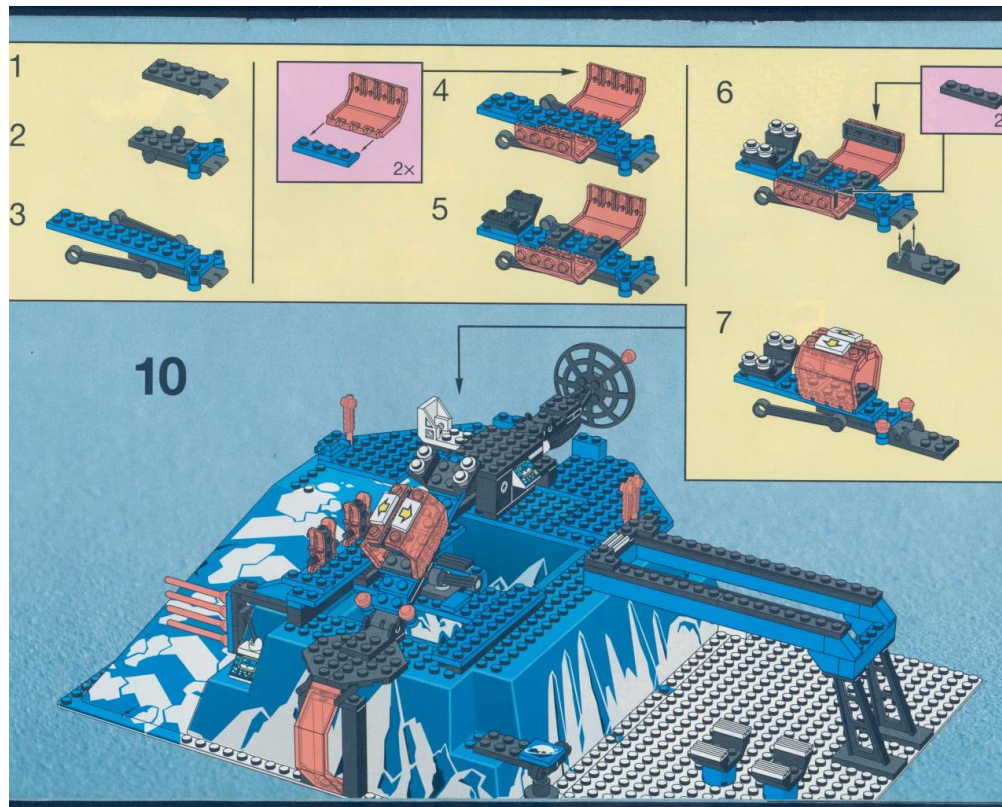
- Opening Statement
 - Introduce players
 - Introduce relevant facts
 - Tell your story
 - Provide a framework in which the judge/jury can place the important facts
 - Provide a lens through which the judge/jury can interpret the facts



PURPOSE

■ Closing Argument

- Argue your side wins
 - Argue why the facts do/don't prove the elements
 - Discuss the burden of proof
- Argue the other side loses
 - Highlight their weaknesses
 - Argue credibility of witnesses



STRUCTURE—OPENING STATEMENT

- Introduction
 - Theme
 - Explanation of theme
 - Teaser
 - Attention-grabber
- Your Story
 - Coherent
 - Includes important facts
 - Introduces characters
- Law
 - Contested elements
 - Burden of proof
- Conclusion
 - Apply theme
 - Ask

STRUCTURE—CLOSING ARGUMENT

- Introduction
 - Can mirror and expand on Intro from Opening
- Your theory—Applying the Law to the Facts
 - Burden of proof
 - Organize by legal elements
 - Discuss the facts the prove each element
 - Refute contrary evidence
- Conclusion
 - Apply theme
 - Ask

THEMES

- Short, memorable phrase for judge/jury to latch onto
 - Alliteration (profits over people)
 - Word play (over the limit, under arrest)
 - Rhyme (if the glove doesn't fit, you must acquit)
- Explains your theory
- Relates to your evidence



DEVELOPING A THEME

- Should relate to most important fact/theory
 - Must first have grasp of important facts/theories
- Need to be creative
- Jumping-off points:
 - Common phrases
 - Book/Movie/TV quotes
 - No idea is a bad idea
 - Example: What's the plan, Stan?
- Example: Car crash
 - Over the limit, under arrest
 - Click it or ticket
 - Pedal to the metal
 - Blind spots
 - Back seat driver
 - Look both ways
- Example: Deleted Scenes

TIPS

- Be creative
 - How to present facts
 - Word choices
 - Legal arguments
- Keep theory consistent
- It's not just **what** you say, it's **how** you say it
 - Needs to be understandable, memorable, persuasive

