



Opening and Closing

Texas Criminal Defense Lawyers Association

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I'm here to Help You



Be prepared!



Be Prepared

- Know your case!!!
- Don't use notes





A trial is a **STORY** about **EMOTIONS**

- The reason why good BOOKS, PLAYS, SONGS and MOVIES are successful
 - Because they tell as STORY
- People naturally follow STORIES
 - Because they are EMOTIONALLY TRUE

People think in Stories

- Jury's employ storytelling as the primary means of interpreting evidence and reaching a verdict
- They look for
 - familiar themes
 - Stereotypes
 - Patterns

“Trials are storytelling, nothing more... The problem is that lawyers have forgotten how to speak to ordinary folks... Lawyers long ago abandoned ordinary English.”

-Gerry Spence

The Jury is your only SAVIOR

- The jury will only rescue your client if they have an emotional bond with your client
- The jury will only form the emotional bond if they trust you to tell a true story
- They will only trust you if you are totally honest with them

Know your Audience



*Who am I trying
to reach?*

Start in Voir Dire



Get Help with JURY SELECTION

- You need HELP!
- Who do you want on the Jury?
- Who do you NOT want on the Jury?



Build Your Jury

- Build Credibility
- Build Trust
- Build a Group

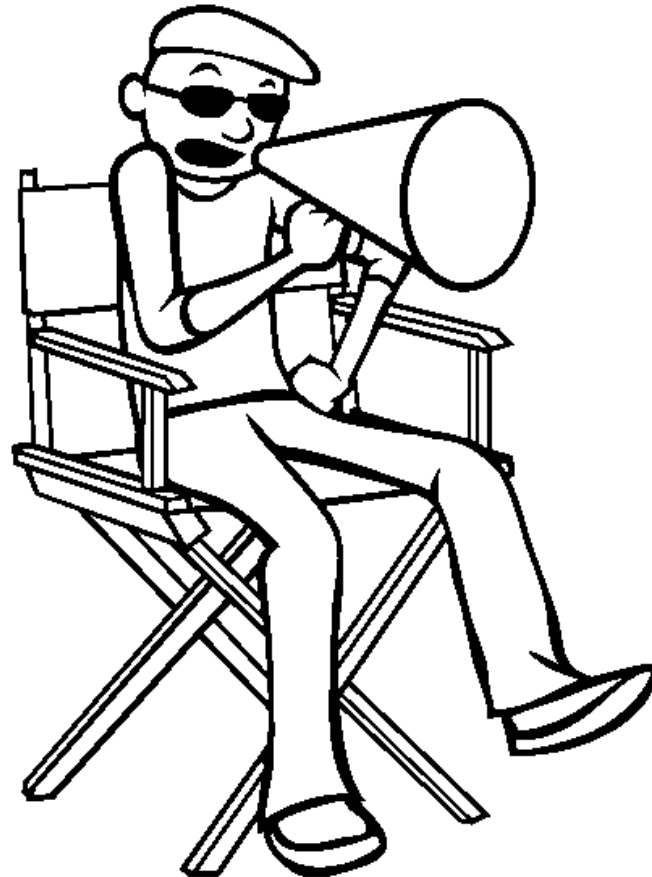
The Trial is Story

- The Court room is a Theater
- All the world is a stage



The Lawyer is the Director

- A good lawyer is a Good Director



Witnesses are Characters

- Good Guys vs. Bad Guys
- Your client is the Protagonist
- Your job is to Support the Story

**BE
AUTHENTIC**





au·then·tic·i·ty

1. transparency; genuineness
2. matching outer expression
& inner experience

Be yourself,
everyone
else is taken.

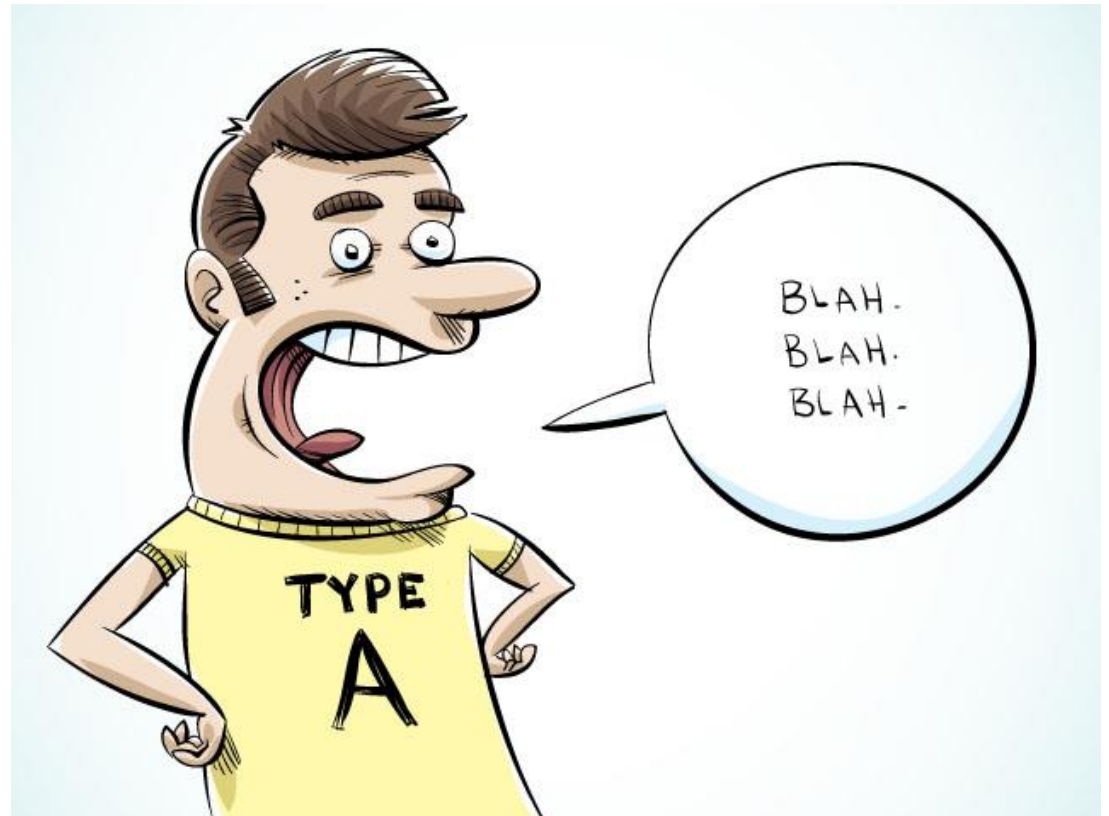
Don't talk like Lawyer

- Be yourself
- Don't be a know it all



Be Humble

- Don't be a know it all



Have a Conversation with the Jury

- Make eye contact
- Go from one person to the next
- Finish a sentence or thought with each Juror

Tell Your Story

- Be emotionally honest
- Tell the emotional truth
- If it feels right it is right



Who are you?

- What's your background?
- Why should like you?
- Why should we trust you?



Share Something

- Share something that humanizes you
- Let the jury relate to you



You have a Part to Play

- Know your part!
- And Play it!



Practice makes Perfect

- Go over your testimony
- Think about what you are going to say
- Does it make sense?



You Have Nothing to Hide

- Jury's can smell a rat

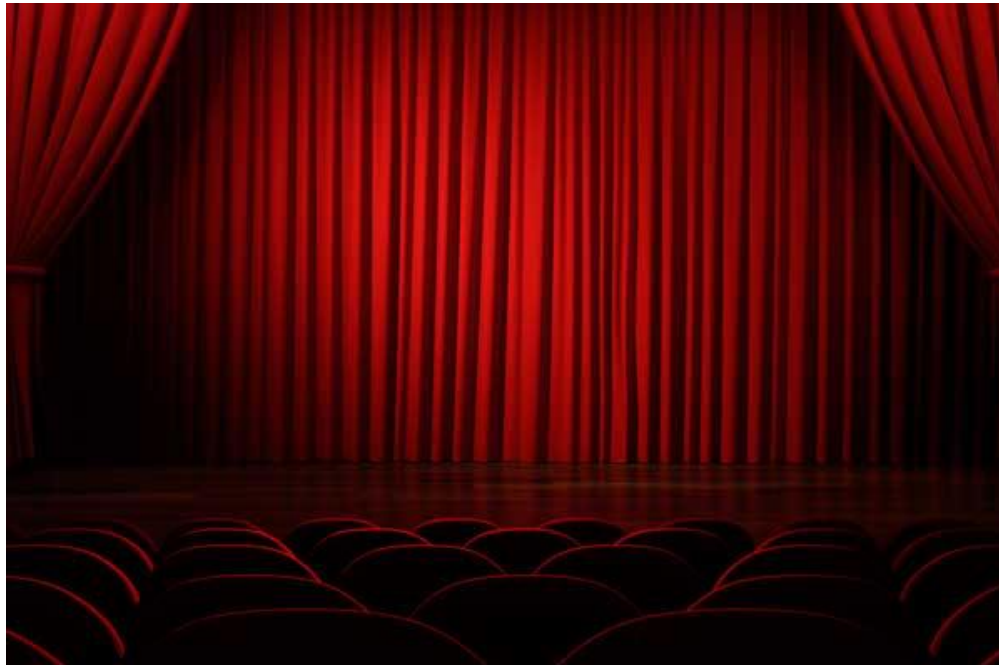


Opening vs. Closing

- Opening is the story of the Case
- Closing is the story of the Trial

Opening

- Set the Scene



Tell a Story About the case

- Present the case in story form, not offense report narrative
- Find the emotional truth
- If it feels right it is right

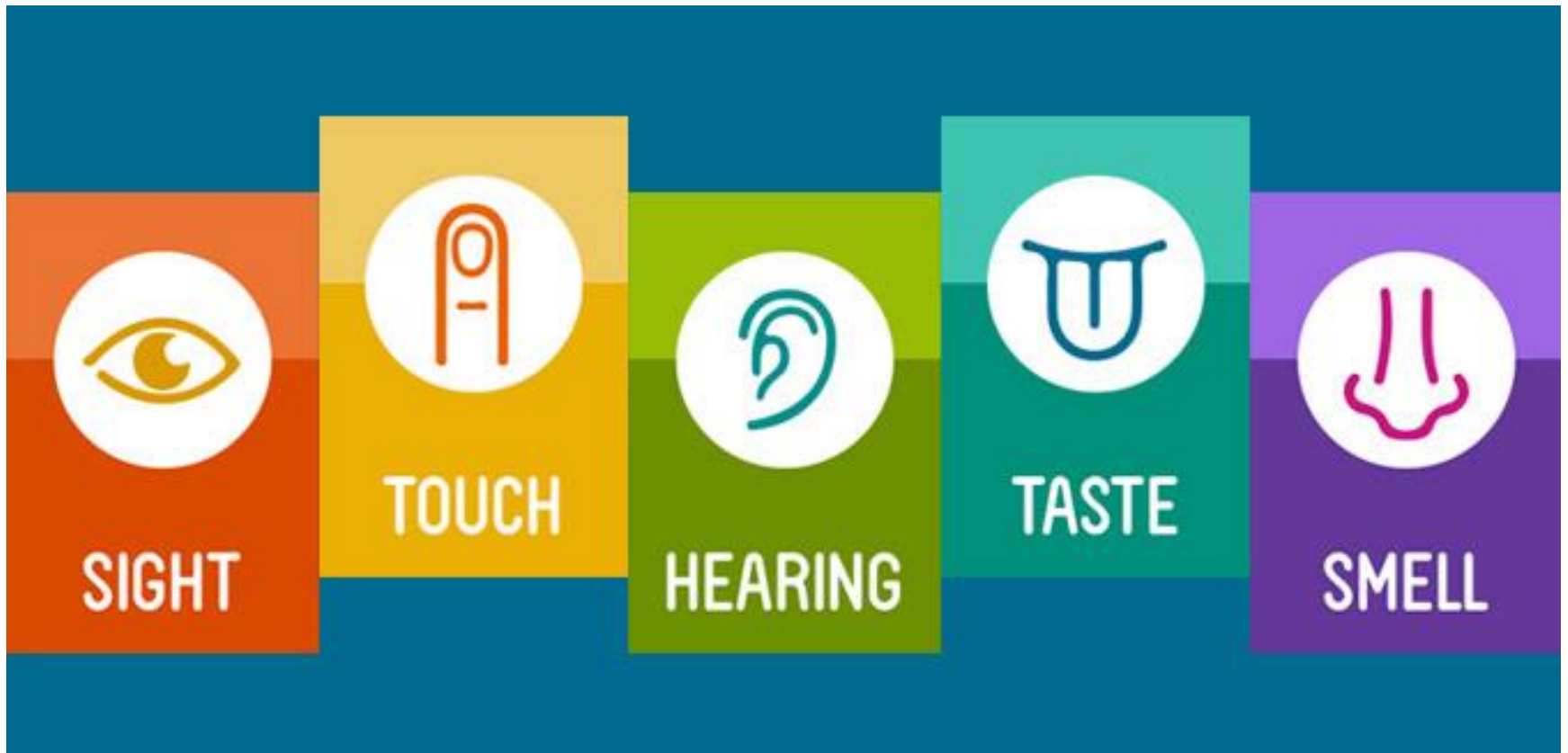


Use Language that Invokes Emotions

- Paint pictures
- Jurors remember feelings not words



Use the Your Senses

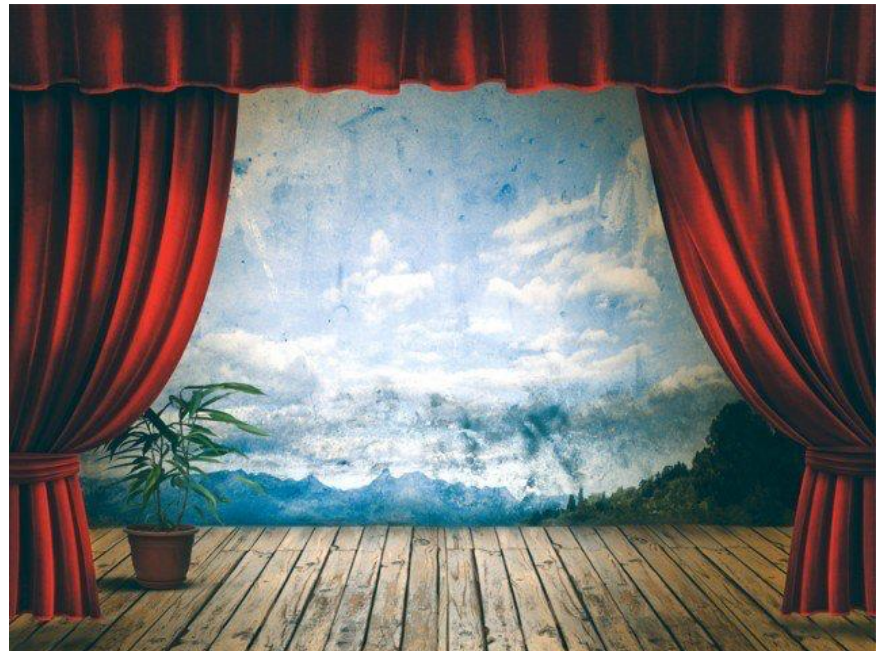


Use First Person Tense



Set the Scene

- What is going on when we start the story?
- Who is there?



Show the Story

- Put the scene in Action!!!



Opening

- Identify the Villain



Opening

- Trust and Betrayal



betrayal

Opening

- The damage to client – PRISON



Opening

- Retribution and Justice – client deserves Freedom



Closing

- Find the Trial Villain
- Identify the Villain's role in Betrayal

Closing

- Righteous Indignation/ Moral Outrage



Closing

- Associate betrayal to Universal truths or themes



Closing

- Know and ask for the Justice that you want
- Show how justice Benefits jurors
- Transfer responsibility to jurors

Closing

- Don't share closing with other lawyer
- One lawyer for Voir Dire, Opening, Closing

Closing

- Don't hold back things for closing
- Have a Call to Action



Closing

- Decision making is driven by emotions
- Stifling emotions are NOT calls to Action
- Best call for action is when the jurors feel a combination of Anger and Disgust

We might be the
master of our own thoughts,
still we are the
slaves of our own emotions.

inhisthoughts

Closing

- Stifling emotions vs. Empowering emotions



Closing

- Stifling emotions
- Sadness
- Sorrow
- Surprise
- Shame



Closing

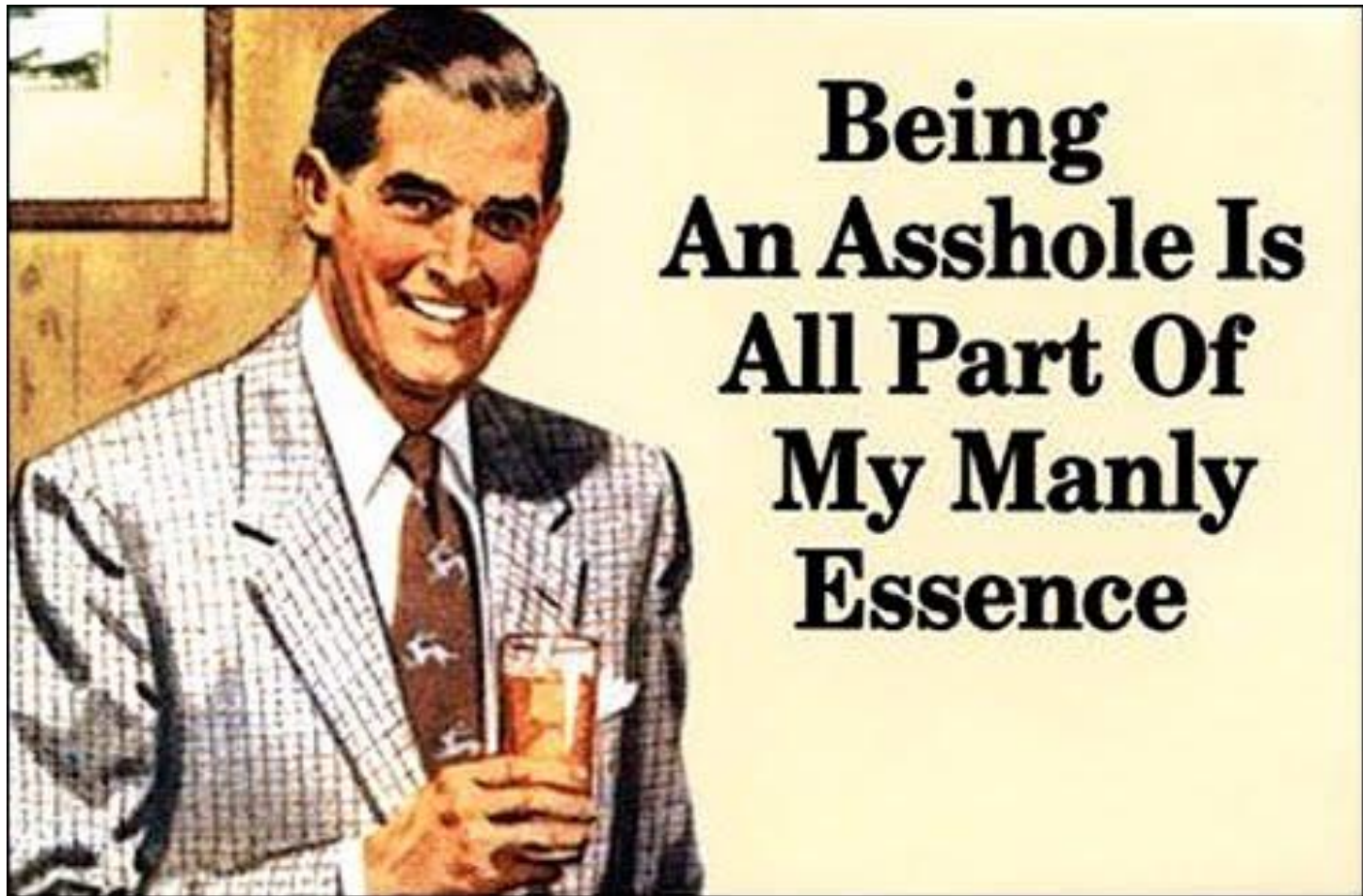
- Empowering emotions
- Anger
- Disgust
- Happiness
- Fear



Let the Prosecutor be the BAD GUY



Let them act like an ASS



It's Good to be the UNDERDOG



Concede the Obvious

- Don't argue over things that don't matter



Be Reasonable

- If you are reasonable you are credible



Let the Jury Rescue you

- The Jury will save you if you are being bullied





Questions



**KEEP
CALM
AND
VICTORY
IS OUR'S**

FIN

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