

**Teaching
the
Fundamentals
of
Opening Statements**

- This class **IS NOT** meant to teach you about opening statements.
- It **IS** meant to give you an example of how you may incorporate some of the teaching and learning concepts you have learned so far into an opening statement presentation.

Class Objectives

At the end of this presentation:

- Learn the purpose and importance of Opening Statements
- Learn how to seize and elevate the jury's interest through the use of:
 - Themes
 - Storytelling
 - Painting Pictures

Objectives (for TTT)

You will develop ideas to create successful teaching and learning experiences.

You will identify uses of:

- **Adult Learning Concepts**
- **4 Step Teaching and Learning Process, and**
- **Accelerated Learning & Retention Strategies.**

What is the purpose of
Opening Statements?

Why are Opening Statements Important?

Studies have shown that

80%

of jurors reach the same verdict at the end of the trial as they would have reached at the beginning.

Consider

- Jurors do not remember detailed facts, but rather general theories or impressions.
- Jurors often forget facts, witnesses, and details that come in the middle of the trial or in the middle of the testimony.
- Unique or novel events or messages are nearly unforgettable.

Consider

- Stories, analogies, and metaphors are the last things to be forgotten.
- Jurors like mental pictures. Vivid images can call on our senses and will be remembered.
- Jurors like to be entertained.

So, we know why Opening Statements are important.

Then the question is, how do we create a compelling and persuasive opening statement?

Seize and Elevate the Jurors' Interest

- Develop a Theme
 - What is a Theme?
 - Compelling, congruent, and cohesive theory of the case
 - A story that illustrates our vision of the case
 - Why is a Theme Important?
 - Allows jurors to see the case with our vision
 - Allows us to touch the hearts and minds of jurors
 - Allows jurors to vote guilty b/c it is the right thing to do

Sample Themes

- Drunkenness reveals what soberness conceals.
- Just say no
- Choices and Consequences
- Party Time
- Rolling Party
- Detour to a crash
- Selfishness at its worst

Sample Themes (cont'd)

- Beer instead of dinner
- Stumbled into a whole lot of trouble
- Drinking and Driving ain't no picnic
- PCJ – Power, Control, Jealousy
- Fear and love do not walk together
- The most deadly of all sins is the mutilation of a child's spirit
- It shouldn't hurt to be a child

Seize and Elevate the Jurors'

Interest

(continued)

- Develop a Theme
- **Tell a Story**

“I have tried many cases with many exhibits, cases that took months in which scores of witnesses were called, cases with jury instructions as thick as the Monkey-Ward catalog and supposed issues as entangled as the Gordian knot. But I have never tried a complex case . . . All cases are reducible to the simplest of stories. The problem is that we, as lawyers, have forgotten how to speak to ordinary folks.”

Gerry Spence

Seize and Elevate the Jurors'

Interest

(continued)

- Develop a Theme
- Tell a Story
- **Paint a Picture**

Painting a Picture

- Words

Painting a Picture

- Words
- **Sound**

Painting a Picture

- Words
- Sound
- **Pictures -- Demonstrative Aids/Exhibits**

EXAMPLES OF POSSIBLE DEMONSTRATIVE AIDS

- Charges Chart
- Witness List Chart
- Relationship of the Parties
- Calendar
- Diagrams
- Maps
- Timelines

DUI

ELEMENTS:

- 1. The defendant**
- 2. While under the influence of alcohol**
- 3. Drove or was in actual physical control of a vehicle**
- 4. To the extent he was a less safe driver**

NAME

TESTIMONY

JAN DAVIS

Saw Def driving/weaving/all over the road/got tag number/called 911/
followed Def to Def's home

BILL GREEN

Saw Def weaving/driving recklessly/called 911/gave description of car and driver

OFC WILSON

1st officer to respond/witnessed Def's intoxication/gave SFSTs

OFC MARTIN

2nd Officer to respond/witnessed Def's intoxication/witnessed SFSTs

Dep. SANCHEZ

Offered Def breath test – Def refused

RELATIONSHIP OF PARTIES

VICTIM

Mary Wilson

Ex-Girlfriend –
Beaten w/ fists

VICTIM

Sandy Kenwood

Wife – Beaten w/ fists

DEFENDANT



2004

September

2004

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 Mary breaks up w/ Def	2	3
4	5	6 Def. shows up at Mary's work - makes scene	7	8	9 Mary sees Def parked outside APT - calls Tina	10
11 Def follows Mary to her church	12	13 Def threatens to kill Mary	14 Mary moves in with sister -- fears Def	15	16	17
18	19	20	21 Def accosts Mary at mall	22	23	24 Def accosts Mary at her work
25 Def beats Mary at her APT	26 Def threatens Mary not to call police	27	28	29 Def beats Mary - Mary calls 911 - Def flees	30	

Painting a Picture

- Words
- Sound
- Pictures -- Demonstrative Aids/Exhibits
- **Demonstrating**

Painting a Picture

- Words
- Sound
- Pictures -- Demonstrative Aids/Exhibits
- Demonstrating
- **Appeal to the senses**

Summary

- What is the purpose of OS?
- Why are OS important?
 - **REMEMBER – 80%**
- How do we seize and elevate jurors interest?
 - Themes
 - Storytelling
 - Painting Pictures

FINAL EXAM

80%

_____ % of jurors reach the same verdict at the end of the trial as they would have reached at the beginning?

Theme

- A _____ allows jurors to see our vision of the case in a brief, vivid mental picture.

Stories

- All cases are reducible to the simplest of _____.

Pictures

- Jurors think in terms of _____.

Review for TTT

- **What Basic Concepts of Teaching and Learning did I use?**
- **Did I use any of the 4 Step Teaching Process?**
- **Did you notice any of the Accelerated Learning and Retention Strategies?**
- **What rules did I not follow?**

**“A teacher affects eternity; he
can never tell where his
influence stops.”**