

Close Like a Closer: Arm the Jury With the Evidence They Need

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Closing Arguments

- Initial Considerations
- Planning
- Components and content
- Capturing the trial gifts
- Unpacking key components
- Right verdict for right reason
- Asking for money
- Two worlds closing

Initial Considerations

- Credibility earned throughout case is cashed in at closing
- Be careful defense does not steal closing
- Know your local rules and judge's proclivities
 - Time limits, rebuttal rules, argument limitations

Planning

- Planning starts when you get the case and should be in mind as you build the case
- Closing and Rebuttal should be a cohesive unit
- Closing & Rebuttal are sketched out prior to trial and are honed and tweaked during trial (incorporating trial gems – notebook/notecards)
- Consider your visual story
- Rebuttal is partially planned and partially spontaneous
 - Use cards

Initial Closing – Content

- Thank you
- We tried to be efficient
- In opening we told you why we needed you
- You have a specific job to do – explain
 - Damages only? Liability and damages?
 - Specifically, what the jurors need to decide (light switches)
 - Don't let anyone take you off task!!

Initial Closing – Content

- Damages
 - Don't oversell
 - We told you during opening
 - Refer to and explain key jury charges
 - Elements?
- Focus on the **deep universal human damages**
 - Universal, important and valuable
 - What are most important/valuable things in life?
 - We can make the list now
 - We can build the list with jurors in jury selection

Initial Closing – Content

- Right verdict for the right reason
 - Appropriate and inappropriate things
 - Oath – You were chosen because you committed
 - How do you know what is appropriate?
 - Jury charges – evidence and reasonable inferences
 - Not speculation, prejudice, sympathy
 - Natural for us as humans to call about all sorts of things
 - Where will the money come from?
 - Can defendant afford?
 - No amount will bring Jimmy back?
 - INSERT YOUR ISSUES (deal with all negatives)
- Remember your oath – help each other

Initial Closing – Content

- Review Damages
 - Don't over sell
 - Refer to and explain key jury charges
 - Refer back to specific exhibits, testimony, charts
 - Less is more
 - Consider a summary chart or exhibit
 - Visual Strategy
 - Break it down to elements

Initial Closing – Content

- Plan the end of first closing
- How would you like to hand off?

Defense Closing

- Listen carefully
- Use cards for notes (gems)
- Careful of reactions

Closing Rebuttal

- Planned start and end
- Quick rebuttal of main points
 - Not point by point
 - Consider credibility
- Consider need to explain additional charges
- They say _____, we say _____, we need you
- Review actual verdict form
- Empower
- Two worlds closing
- Handoff

Two worlds Closing

- They say _____ (liability (x is ok) or damages (has little value))
- I say no
- I don't get to decide
- Neither do they
- That is why we need you
- This is important

Closing Argument

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- Jurors don't know the right number
- Why not 3x or more
- You have to believe
- If you don't believe
 - Allow yourself to really feel the damages
 - Make it personal

Step 1:

Really Feel The Damages

Injury Cases

- Have you spent time with client and others
- Compared before to after
- Reversed roles and really tried FEEL and understand
 - The pain and its effects
 - Each limitation and the effects on health, relationships, etc.
 - The fear, anxiety, depression, irritation, lack of control
 - Feeling less than, helpless, useless, old, vulnerable, like a burden
 - Loss of purpose, dreams, hopes, ability to choose, ability to enjoy life, relationships, hobbies, sense of accomplishment, enjoyment of a good night's sleep, joy, future
 - sleep deprivation
 - how others perceive me now – respect, pity, strong/weak
- What occupies the client's thoughts now?
- Is it constant? Is there ever a break from it? Will it ever end?
- Caregiver damages
- If this is real, what is value?**


Death Cases

- Have you spent time with client and others
- Reversed roles and really tried to understand the loss
- Why is the world not as good without them
- Why does the death matter – to the jurors?



Step 2:

Make It Personal



What would value be if this happened to the
person you love most in the world?



What if the pain and limitations are real and
forever?

Can you feel it?

Does it change the number?

What if they were treating your loved one this way?
(or that of a juror)

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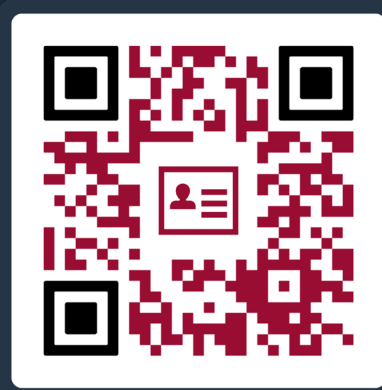


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Thank You



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