



"His closing argument is not going well."

Closing Argument

Not Summation

Not Retelling

When do we start
working on
closing argument?

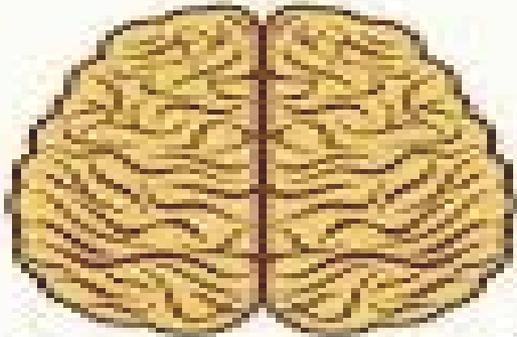
The

~~END~~

BEGINNING

Goals

1. Win hearts
2. Persuade minds
3. Provide ammunition to our allies
4. Challenge the prosecution
5. Keep it interesting



Win Hearts

Genuine connection

with client

with material

with jury

with human experience

Win Minds

- Argue the case
- This means fully developing arguments
- What do the facts mean – not just what did we see and hear
- Anticipate juror questions
- Rhetorical questions...
 - How could Tom Robinson have caused the injuries to Mayella Ewell when he's got a bum left arm?
 - If he ordered the men to leave Santiago alone – then why the code red?
 - Why didn't they speak to the man with one arm?
 - What other car could have made those tire tracks?

Organization



"We find the defense and prosecution arguments totally confusing without a doubt."

Organization

- Simplify the issues
- Use an outline
- Use headlines
- Does not have to be chronological
- Do not read your closing
- Do read exact quotes from case

Closing Argument Outline

7 chapter closing argument

Closing Argument Outline

- 1. Start with a strong hook or exclamation of innocence.**

Closing Argument Outline

2. What is our case theory and or strongest theme?

Closing Argument Outline

3. What do we want to frame as the actual simplified issues in this case?

Closing Argument Outline

4. Argue the facts.

- What facts support our story?**
- What facts hurt the prosecutor's story?**
- What prosecution facts must we explain?**
- Absence of facts for prosecution?**
- Was the investigation lacking?**

Closing Argument Outline

5. Argue the law.

- Presumption of innocence/Burden of Proof.**
- Jury instructions.**
- Beyond a reasonable doubt/reasonable hypothesis.**

Closing Argument Outline

6. Challenge the prosecution.

Closing Argument Outline

7. Strong conclusion.

verisimilitude

noun

the appearance of being true or real : *the detail gives the novel some verisimilitude.*

Analogy

- **Story – fairy tale, myth**
- **Historical**
- **Biblical**
- **Personal**







Provide Ammunition

656

JURY DELIBERATING

- **Jury Instructions**
- **Reasonable doubt**
- **Innocence?**

Challenge the Prosecution

- **A list of questions**
- **A statement or question on a dry erase board**
- **Leaving exhibits on their table**



Miscellaneous

- Primacy and recency - content
- In the beginning...
- In conclusion...
- Movement
- Voice
- Do we argue every single point?
- Put the jury front and center in the conclusion of this unfolding drama

Demonstrative Evidence

- **PowerPoint**
- **Timelines**
- **Toy cars**
- **Smell**
- **A sugar packet**
- **A timer**
- **Money**
- **Another person**
- **Your self**



Creative Techniques

- Reference testimony by going to witness chair to talk about moment when witness or client's true colors shined through.
- Read tomorrow's newspaper headline
- Imagine a Facebook post

Creative Techniques Cont.

- Imagine an event 5, 10 or 20 years in the future
- Ask the jury to make your arguments against the prosecutor's rebuttal
- What would a guilty person do?
- What did your person do that is inconsistent with guilt?

Creative Techniques Cont.

- What testing was not done?
- Use the retelling of a short segment of the trial story to ask a rhetorical question. “In that moment, under those circumstances, what else could she have done?”
- What witnesses were not spoken to?
 - But – we are not arguing that client is “not guilty” due to lack of investigation...

Creative Techniques Cont.

- Consider telling part of the story from a point of view that was not explored in the opening.

A man with grey hair, wearing a dark suit, white shirt, and dark tie, stands behind a wooden podium. He is looking down and to his right, with his right hand resting on the podium and his left hand extended towards an empty chair. The background is a solid blue color. A large, dark, rectangular object, possibly a microphone or a piece of equipment, is visible on the right side of the frame.

**Talk
to
the
empty chair**



Focused intention

+ emotion connected to that intention

= great performance

Rhetorical Devices



- Use a trilogy
- Use a rhetorical question
- Use alliteration
- Use a rhyme
- Use an analogy or a story
- Try out a persuasive device that you haven't used before

Goals for Friday

- Begin with strength of character and end with strength of character
- Make strong primacy and recency decisions
- Convey character through a true belief
- Elicit emotion through an analysis of the humanity of the unfolding drama
- Argue the logic of your defense
- Organize your closing in a clear fashion