

I. Introduction

The opening statement is one of the most important components of any trial. It is your first opportunity to present the case to the jury, and to shape the jury's perspective of the entire trial. The opening statement also is your first opportunity to present yourself to the jury, and to establish the kind of credibility that will persuade jurors to trust the testimony, documents, and other evidence that you eventually will submit for their consideration. A superb opening can set you on a path toward winning the case, but a disastrous opening may be difficult to overcome. Thus, the content and the presentation of your opening statement must be developed with care.

As a general rule, counsel may not argue during opening. Rather, the opening statement should serve as a preview of the anticipated testimony, exhibits, and other evidence. Think of the opening statement as a forecast, designed to provide a general understanding and provoke further interest, like the kind of preview you might see on the inside jacket of a novel. The jacket text that introduces a novel typically does not confuse the prospective reader with an overly detailed chronology of events; it does not bore the reader with a recitation of the characters' names in the order they will appear in the book; and it does not command the reader to feel a certain way about the story contained in its pages. Instead, the jacket text captures the essence of the book in a way that gives the reader a general sense of the book's theme, entices the reader to proceed further, and leaves the reader to make his own judgment regarding the final meaning of the story. That is the way jurors should be left at the end of the opening statement – with an understanding of the case's theme, an eagerness to learn more, and an appreciation for the ultimate judgment they will be asked to make.

II. Elements of the Opening Statement

Theme of the Case

In the opening statement, a lawyer should provide the jury with a theme that will serve as a framework for every piece of evidence the jury hears during the case. The theme should communicate how the evidence will fit together, and why your client's position in the case is the right one. For instance, a lawyer defending a discrimination case may have a theme of "unheeded warnings" to communicate that the plaintiff had a chance to improve their performance before termination, but failed to take advantage of the opportunity. Plaintiff's counsel in the same case may have a theme of "repeated disciplinary actions, all motivated by race." Obviously, expressing a theme is difficult to do without bordering on argument – which is improper in the opening statement – but courts generally allow a lawyer to state a theme at the beginning and end of the opening statement, as long as the rest of the opening is not argumentative.

A good way to develop a theme is to try to describe your case in one summary sentence, without legalese, as you might do if you were explaining your case to a non-lawyer family

Example Seminar Opening Statements

Frank Eberhart



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management system in aquaculture iv future sector developments and the role of co management v the monitoring and evaluation of aquaculture co management and vi the main steps to guide a successful implementation of aquaculture co management During the workshop participants were presented with a draft rationale a definition principles and models of aquaculture co management as outlined in a background document which was shared ahead of the event They were then invited to provide advice on these elements of aquaculture co management to establish a shared understanding of the concept and define a pathway for its further development The expert input will be used to develop a methodology produce a guidebook to establish aquaculture co management systems write case studies and conduct outreach activities **Learning Agrobiodiversity** ,2009 **Records of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions** World Intellectual Property Organization, The Records of the Diplomatic Conference on Certain Copyright and Neighboring Rights Questions held in Geneva from December 2 to 20 1996 contains documents relating to that Conference which were issued before during and after the Conference *Alcohol Highway-traffic Safety Workshop for Law Enforcement Officials* Abt Associates,United States. National Highway Traffic Safety Administration,1974 **Alcohol Highway-traffic Safety Workshop for Alcohol Rehabilitation and Treatment Personnel** Abt Associates,1974 **Alcohol Highway-traffic Safety Workshop for State Officials** Abt Associates,United States. National Highway Traffic Safety Administration,1974

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