

CLOSING ARGUMENTS

A Closing Argument should:

1. Repeat your theory and theme of the case
2. Summarize the evidence that preceded it
3. Relate the evidence to the law and the legal issues (i.e. Argue!)
4. Describe the burden of proof and who it lies with
5. Tell of your client's right to a verdict

Common Format for a Closing:

1. Address the court, jury, and opponent
2. Repetition of theme and theory of the case
3. Summarize the facts and relate them to the legal issues and the law
4. Argue using these facts and the law
5. Tell the jury what its verdict should be
6. Sit Down.

Things to Remember Regarding Closings:

Do:

1. Think about, prepare, and rehearse closing prior to trial
2. Leave flexibility in your closing to meet exigencies of trial (i.e. evidence that is ruled inadmissible, etc.)
3. Think about, modify, and rehearse your closing at each break in the trial in light of the record up to that point
4. Base your closing on the evidence, issues, burden, and desired verdict

Do Not:

1. Exaggerate or be vindictive in closing
2. Repeat testimony in chronological order- boring!
3. Tell jury that what you say is not evidence- detracts from your argument
4. Assume a burden that is not yours
5. Express personal opinions
6. In a criminal trial- do not comment on the defendant's failure to testify - MISTRIAL!

Strategies for Closing Argument:

1. Repeat your theme from the opening to grab the jury's attention
2. Argue! Apply the facts to the law- how do the facts elicited at trial prove your case or disprove opposing counsel's?
3. Stay within your theory of the case from the opening. Argue that your theory of the case is the accurate theory.
4. Use your exhibits in closing. Valuable for keeping the attention of the jury.
5. Use rhetorical questions, analogies, stories, and other devices for keeping the attention of the jury
6. Focus on the strengths of your case. A focus on the weaknesses of the opposing counsel's case shows you have little good to say about your case.
7. Deal candidly with your weaknesses.
8. Build up your witnesses. Repeat their credentials, qualifications, proximity as an eyewitness, etc.

AMTA Rules RE: Closings-

- Remember that AMTA rules limit closing arguments to 9 minutes. To use the time adequately, a typed closing should be around three pages.
- No objections during closings