



2018 Trial Academy

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Objectives of Closing Arguments

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Overview

**JUROR(S):
STUPIDITY
V.
IGNORANCE**

DECISION POINT

**SUMMATION
V.
ARGUMENT**

ART OF CLOSING



Juror(s): Stupidity v. Ignorance

Not intellectually dull

Procedurally uninformed

Treat as friends you have yet to meet





Decision Point: Timing

Misconception

More than 50 percent of jurors change position during deliberation

More than 80 percent of undecided jurors waited until deliberation to decide

Summation v. Argument: Arming Your Troops

INDISPENSABLE ELEMENTS

- Analysis of the evidence
- Comparison of the stories
- Persuasive and articulate oration
- Explain the action

Special Note: ARGUMENT



Summation v. Argument: Essentials

THEORY:
APPLICATION OF LAW
TO FACTS

THEME:
EXPLANATION OF WHY
YOU MUST WIN

PRIMACY:
FIRST THING AUDIENCE
HEARS WILL BE
RETAINED MOST

RECENCY:
LAST THING AUDIENCE
HEARS WILL ALSO
REMAIN

Art of Closing: Peaks and Valleys

Peaks

Personal but not casual

Compelling/Speak then
Write

Guide/Instruct

Structure Argument

Valleys

Talk at the jury

Sound like a lawyer

Regurgitate
Opening/Recap Trial

Self-centered argument

Thank You!

