**SIGNED, SEALED AND DELIVERED!**

Closing Arguments Designed to Help Win Your Client’s Case Using the Theater of the Trial

1. **When Does the Closing Argument Begin? How Important are first impressions in the courtroom?**
2. The moment the jury sees you and your client they begin formulating opinions about you.
3. Attire and dress-
4. A lawyer must dress in conservative attire that is not too tight or short and a dark suit and white shirt or blouse are recommended. A dark suit, white shirt, and a tie with some red in it are the safest approach. Your client should dress and look like your law clerk. **AGAIN, YOUR CLIENTS SHOULD DRESS LIKE YOU.** If your clients do not have appropriate attire, they must buy it! The client should dress conservatively and always look and act respectable. Conservative shoes are important also. Avoid pointed toe, alligator, suede, colorful or diamond studded shoes for a man and avoid very high stilettos or open toe shoes for a woman. NO FLASHY OR EXPENSIVE JEWELRY, WATCH, OR CUFFLINKS. And….. please wear socks!
5. Proper Grooming-
6. The client should be willing to cut his hair and shave or do whatever is needed aesthetically to avoid deeply ingrained isms and stereotypes that could create false and unfair impressions.
7. Verbal and non-verbal communication and tone during jury selection is also very important
8. The manner and tone that you use to address the court, opposing counsel and your introduction of your team must all be strong, confident, and respectful
9. The non-verbal communications by you, your client, and your client’s family/can affect the outcome of your case
10. **Who Should Give the Closing Argument?**
11. The lawyer who knows the law and the facts of the case best, and who can persuade a jury that a mosquito can pull a plow!
12. KNOW YOUR CASE BETTER THAN ANYONE ELSE IN THE COURTROOM
13. The lawyer who has that God given charisma known as “courtroom presence”.
14. Tools of the Trade
15. Power Point or Not? I recommend **NOT**! Instead, use the 5 most important exhibits and refer to them by their numbers during closing
16. Do not hold a legal pad or clipboard in your hand (except when dissecting, or highlighting the testimony of key witnesses) i.e. You remember when\_\_\_\_\_\_\_\_\_testified, the man with the grey beard and blue three piece suit….he told you that……..[read his exact words from your notes on your legal pad for emphatic and dramatic effect]
17. Use your voice as a persuasive tool- volume, inflection, deflection, whisper ….
18. Use rhetorical questions as a persuasive technique
19. Stand as close to the jury box as allowed and do not stand behind a podium unless mandated by the court
20. Use facial expressions that emphasize your point
21. **THIS IS HOW YOUR CLOSING ARGUMENT SHOULD BEGIN IN COURT:**
22. MAY IT PLEASE THE COURT? opposing counsel……..”. Good morning/afternoon Ladies and Gentlemen of the jury, when I first stood before you in my opening statement, I told you that, (repeat the theme of your case). Now, after hearing all of the evidence in this case you clearly see why I said that”.
23. **The Four Steps to Closing**
24. The burden of proof, production, and persuasion,
25. The elements of the cause of action, standard of care, or elements of the crime
26. The evidence or lack thereof that proves or disproves the case (Hold up those 5 most important exhibits as they become relevant in your argument like a preacher holding up the bible at a revival meeting)
27. Quotations from the already approved jury charges that the judge will give that supports your theory or defense, and AN EMPHATIC AND PASSIONATE PLEA THAT EXPRESSLY CALLS FOR THE JURY TO HELP YOU OBTAIN JUSTICE ON BEHALF OF YOUR CLIENT AND DO WHAT IS THE MORAL AND RIGHT THING TO DO, REMINDING THEM THAT ONLY THEY HAVE THE POWER TO DETERMINE WHAT BRAND OF JUSTICE IS BEING SERVED IN THEIR OWN COMMUNITY
28. **WHEN SHOULD YOU OBJECT?**
29. When opposing counsel is arguing evidence not admitted at trial or is misstating the law in a manner that shifts the burden of proof, misquotes the standard or elements of the crime or cause of action, and it could be outcome determinative if you do not object.
30. Apologize for having to object and explain that you had “no choice” and be precise and brief as to why you are objecting.
31. **SAMPLE ARGUMENTS THAT**
32. The life or death argument in a death penalty case….the 12 letters…….when will the killing stop?......are YOU good enough to show mercy?
33. The no witnesses, no evidence, client not testifying argument
34. The false confession or statement against interest argument
35. The child wrongful death argument-“Gone too Soon”
36. The discredited eyewitness argument—“The knock at the door”
37. The lost or destroyed evidence argument----quote the lost or destroyed evidence rule or jury charge that the court will give….and if the court will not give the jury charge you can argue the rule, say something like…”When counsel gets up after I sit down maybe he/she will explain to you what happened to\_\_\_\_\_\_\_\_\_, arguably the most important piece(es) of evidence you would need in order to make such an important decision”
38. The “Brand of Justice” argument…..A verdict is a sample of how well the least of them are treated by the most of them in a given community.
39. Damages argument…. If money is the only remedy you have to ease my client’s pain, then give my client monetary morphine that will ease his pain forever!
40. The racial division case argument……” black and white keys on the keyboard of a piano use be used to play a synphony of Justice!”.

Remember this rule….

“When you have a case that no one thinks you could ever win, argue it so passionately to the jury that when you sit down everyone is thinking there is no way you should ever lose.” Carl B. Grant, Trial Lawyer