OPENING STATEMENT CHECKLIST

Your opening statement should include everything below and should be at least 10 paragraphs. Number each paragraph according to the numbers in the left column. For example, paragraph two should be your "Attention-Getting Introduction," paragraph seven should discuss the evidence, paragraph 11 should be your conclusion, etc. Once your rough draft has been graded, you are free to rearrange your opening in any order you wish.

	REQUIREMENT	DESCRIPTION
1	**Demonstrative Aide**	Ask for permission to use your demonstrative aide during your opening statement and closing argument.
2	**Attention-Getting Introduction**	Immediately capture the jury's attention. Do this by opening with a strong quote from the case, stating a strong statistic, or asking a rhetorical thought-provoking question and then introducing yourself. Example: "At least 340 innocent people have been executed since 1973. Hi, my name is _____ and I represent the defendant, John Smith."
3	**Theme & Theory**	Theme: Your entire case summed up in as few words as possible. A theme is repeated throughout the case. Your theme should be in **red bold** every time it is used. Theory: Summarize your case in one short, emotional paragraph. Use simple, powerful language, use your best facts, deny your worst facts and explain motives. Justify the verdict you are seeking. Everything you do at trial is controlled by your case theory. The entire team must agree on your theme and theory. A good way to start this section is, "This is a case about (insert theme). That's because (insert theory).
4	**The Parties**	Discuss the parties and who they are. Make your client seem sympathetic by discussing their activities at work, home, and/or play.
5	**The Scene**	Describe the who, what, where, when and why of the case in as few sentences as possible. Give the jury enough information to form a mental picture of the scene that brought them to court. Make it dramatic and easy to understand. Include the date, time, lighting, weather, etc. Make sure it is phrased in a way that is good for your side and is in chronological order.
6	**Key Witnesses**	Tell the jury who the key witnesses are and why what they have to say is important. Explain why your witnesses are credible. Did they see something happen? Did they do something?
7	**Evidence**	Describe any evidence, vehicles, equipment, or other products that are important to the case. Make it dramatic. Include the size, weight, height, etc.
8	**Issues**	Why are we here? Describe to the jury the reason this case is in court. The plaintiff/prosecution should state the claims/charges and say the defendant is guilty/liable. The defense should state the claims/charges and **aggressively** deny them.
9	**Statute(s)**	What law(s) apply? *Discuss the statute elements and facts that support why those elements entitle your side to win.* A plaintiff's attorney/prosecutor should deliver this section forcefully. A defense attorney should suggest that the other side's version will not be convincing and emphasize their version of what happened.
10	**Burden of Proof**	Explain the burden of proof to the jury. Plaintiff attorneys/prosecutors, explain that you *will* be able to meet your burden. Defense attorneys, explain that the other side will *not be able to* meet their burden. Create doubt! In a civil case, the burden of proof is preponderance of the evidence and, in a criminal case, it is beyond a reasonable doubt.
11	**Conclusion**	Tell the jury the verdict you want. Tell the jury the facts that will support that verdict. Restate the theme. Thank the jury for their time.
	Presentation	Underline words in your opening that you should emphasize. Make sure you speak at a comfortable pace (fast for exciting parts and slow down for important parts), use good volume, and make a lot of eye contact. Do not say "like" or "um" a lot.