

OPENING STATEMENT

4-PRONGS

1. State your theme(s)/issue(s) immediately
2. Tell Me Your Client's Story
3. Order your facts in a sequence that supports your theme(s)/issue(s)
4. Address the "bad facts" in the opening

1st Prong

- ▣ State your theme(s)/issue(s) immediately
 - have a clear and concise theme or issue
 - Magistrate this is what the issue is...or these are what the issues are
 - ▣ Opposing counsel and I have talked and we've stipulated to timesharing and pp but CS is what we are here on
 - ▣ If timesharing is at issue: magistrate we've stipulated to the parties exercising 50/50, the issue is transportation and the holiday schedule
 - ▣ Now can narrow things down during your cases-in-chief and focus on the main contested issues

2nd Prong

- ▣ Tell Me Your Client's Story
 - Humanize your client
 - ▣ Bob and Jane were married for 10 year had two kids during marriage Jack and Jill, Jack is 10 and Jill is 14
 - ▣ not the petitioner and respondent were married and share two minor children
 - Tell YOUR client's story, do not tell the other parties' story that is for opposing counsel
 - ▣ Your client's point of view

3rd Prong

- ▣ Order your facts in a sequence that supports your theme(s)/issue(s)
 - Fit the facts to match your issue
 - just the relevant facts for the issue that is being heard
 - If the issue is not timesharing I do not need to hear about where your client lives
 - If the issue is not child support or alimony I do not need to hear about income

4th Prong

- ▣ Address the “bad facts” in the opening
 - address the “bad facts” in your openings because they are going to come out
 - when you tell your clients story, that story should include the good, the bad and the ugly

Closing Argument

- ▣ State the:
 - EVIDENCE
 - LACK OF EVIDENCE
 - INCONSISTENCIES IN EVIDENCE
 - ▣ BUT FIRST.....

Closing Arguement

- ▣ REINTRODUCE YOUR CLIENT/ISSUE
- ▣ Your honor, this is Bob a husband of 10 years with two kids Jack and Jill trying to exercise timesharing and be a productive and positive presence in his children's lives
- ▣ This is the time to use that flowery language:
 - Bob has bent over backwards to make sure his children were taken care of, his entire life has been dedicated to these two children, he wants nothing more than to spend all of his time making sure his children excel...
 - The evidence shows... The testimony you heard shows...

Closing Argument

- ▣ State the Evidence
 - The evidence shows....
- ▣ Do Not comment on opening statements, that's not evidence
- ▣ Focus on the testimony that was elicited and the evidence that was produced
 - I.e. Dad has taken his children to their softball classes every weekend, dad has dinner every night at 7pm with the children, and communicates daily
 - I.e. Mom testified that Jack performs badly in school while he is with dad
- ▣ Provide the evidence and testimony that was admitted during the course of the hearing or trial

Closing Argument

- State the Lack of Evidence
- What was not provided during trial
 - Mom testifies that Jack performs badly in school w/dad but there are no school records, no reports cards, no essays with grades on them
- if there is an issue child support or alimony however there are
 - no bank records
 - no employment records
 - no financial affidavits
 - no pay stubs, W2s
- Dad makes Jack upset and he's been diagnosed with an ailment
 - No therapist testimony
 - No diagnosis provided
 - No records
 - No evidence of attending therapies

Closing Argument

- ▣ State the Inconsistencies in Evidence
 - Dad says he can't afford to pay child support but his employment status and bank statements say otherwise
 - Mom's financial affidavit says she made \$20k in 2020 but her tax return says she made \$75k

Summary

- ▣ Opening Statements:
 1. State your theme(s)/issue(s) immediately
 2. Tell Me Your Client's Story
 3. Order your facts in a sequence that supports your theme(s)/issue(s)
 4. Address the "bad facts" in the opening

Summary

- ▣ Closing Arguments
 - Reintroduce Your Client/Issues
 - EVIDENCE
 - LACK OF EVIDENCE
 - INCONSISTENCIES IN EVIDENCE

THE END