

# Opening Statements Handout 1

Once the jury has been chosen, the attorneys for both sides deliver an **opening statement** about the case to the jury. Opening statements outline the facts that the attorneys expect to prove during the trial. An opening statement should present the jury with an orderly and easy to understand version of the case from the attorney's perspective. In criminal trials, the prosecuting attorney goes first. Usually the defense gives its opening statement immediately afterwards.

**You will be either an attorney on a team for the prosecution or the defense. You will meet with your team and list the most important facts from your assigned point of view. Once you have done that, write a short opening statement.**

## Writing an Opening Statement

(1) To prepare an opening statement, attorneys must organize and outline the entire case they intend to prove at trial. A good opening statement:

- \* Explains what the attorney plans to prove and how they will do it. Presents the events of the case in a clear, orderly sequence.
- \* Suggests a motive or emphasize a lack of motive for the crime.
- \* Is not argumentative. Tell your story without arguing what the case is about in 1-2 sentences
- \* Summarizes your story Be creative: Use adjectives "It was a dark and stormy night" to give jury a picture of what is going on in your case.
- \* **Defense:** 1 to 3 pieces of evidence that they are going to see or hear.
- \* **Prosecution:** What are you going to prove?
- \* Repeats your theme.

(2) Attorneys usually begin their statement with a formal introduction:

"Your honor, ladies and gentlemen of the jury, opposing counsel, my name is [full name], representing [the state or the defendant] in this action."

The attorneys then turn to the jury and begin their statements.

Opening statements often include such phrases as:

- \* The evidence will show that...
- \* The facts will prove that...
- \* Witness [name] will be called to testify that...

***Lesson 2: Opening Statements Handout 2***

**I. INTRODUCTION**

**A. Attention Grabber- (use a 'catch phrase')**

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**B. Introduce Yourself**

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**II STORY**

**A. Theory- In chronological order**

1. What happened first...

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2. What happened next...

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3. Finish story/theory

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**B. Tell what the EVIDENCE will show**

1. "The evidence/facts will show that..."

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2. "The evidence/facts will show that..."

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3. "The evidence/facts will show that..."

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**III. ROADMAP - Tell the jury what they are going to hear and see.**

**A. "First you will hear the Prosecution..."**

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**B. "Then you will meet and hear the Defense..."**

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**C. "Finally you will listen to Closing Arguments..."**

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