

Guide to Closing Argument

Time limit: 12-15 minutes

Goal: ARGUE!

Closing is:

- Arguing your theory and how the evidence supports that theory.
- Make conclusions that you want the jury to see from the evidence.

Format of Closing (but it's spontaneous, because it will depend on what happens at trial)

- I. Hook
 - a. Remind them what co-counsel told them 1st & that's what the evidence showed
- II. Story (of the Trial)
 - a. Witnesses they heard from
 - i. Talk about actual testimony, credibility, and any impeachment done
 - b. Exhibits they saw
 - i. Use during closing – go pick them up when talking about them
 - ii. Demonstratives may also be used
 - c. Personal story or analogy is helpful
 - i. Ex. Car washing example (trust you on the little things, trust you on the big things)
 - ii. Ex. *“When you came into court you had to go through security, if you carried a pocket knife on your key chain you may have had to leave that with security, etc...but no one asked you to check your common sense at the door...”*
- III. Burden of Proof/Jury Instruction
 - a. Judge decides on the law
 - b. Jury decides on facts, including evaluating the credibility of witness
 - c. You may want to weave this part into the story if it's complicated
- IV. Conclusion
 - a. You **MUST** leave the jury with a question and ask that they make the other side answer (Make sure it's a question they can't answer from the facts)
 - b. Prosecution gets a rebuttal to point out that the question wasn't answered/answered sufficiently by Defense
 - c. Defense has no chance to get up again, so question must be something the Prosecution can't answer
 - d. Know when to stop talking!!!

General Notes:

- Only write out parts that you want to get out
 - You can't script closings because it's spontaneous and depends on what happened in the actual trial.