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## Effective, Persuasive Opening Statements

Fort Bend Bar Association  
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## F

Counterproductive

Destroys your credibility

Gets many facts wrong

Ignores your weakness

## D

“My client”

No story

Some correct facts, but no story

Buries the lead until it is impossible to find

No theme

No morality play

## C

Use client's name

Correct facts

Weak story:     no drama  
                    no contrast  
                    no morality play  
                    weak theme  
                    really a stack of facts  
                    tells jurors "what happened"

Uses negatives

Uses past tense

No outline of jury questions

"I'm blind, please help"

## B

Good story:

drama

morality

organized facts, all correct and important

tells jurors "why things happened"

Outlines jury questions

## A

Great story:

Heart pounding drama

Contrast

Seamlessly weaves unshakeable facts

Visualizes: vivid word pictures

Creates indelible impressions

Creates powerful memories

Has a touch of foreshadowing

Personalizes client

Minimizes adjectives

Tells jury "how it felt"

Coherent

Clarity

Simplicity

All show, no tell

Familiar details of reality

Simple, direct language

A real road map: excellent outline of key facts and jury questions

"It's a beautiful day. You can see it. I can't."

Makes the jurors witnesses to the case

Trusts jurors, thus lets them draw their own conclusions

## A+

Positive

Present tense

Attribution bias: start with opponent's conduct

Opens with a telegram

Invites jurors to play story out in their minds,  
to finish telling the story  
to jump ahead

Avoids rhetorical tricks

No oratorical eloquence

Creates jurors who care. They are motivated to  
render your verdict

## Your Verdict Questions

Who was at fault?

Who failed to use ordinary care?

Was Charles Hitchens grossly negligent?

How much fault? What % each?

Fraud? Did Brewer Leasing defraud the  
Patterson family?

Actual damages?

What amount of money will fairly and  
reasonably compensate Diane, Marcus,  
Daniel and Danae?

Punitive damages? How much?