



Closing Argument: What to Include and How to Persuade

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CLOSING
ARGUMENT-
see NDAA Trial
Advocacy
Manual for
this
presentation



Arguments do not win cases, facts win cases



Film critic v. what you want to watch/
Food critic v. what you want to eat



Credibility is everything—from beginning to end



First argument- factual theory supports legal theory

COMPONENTS

1. Attention Step

First minute or two- your theme, why decide in your favor, your confidence in the case (without saying "I").

2. Facts

3. Law

4. Exit Line- why is justice important in this case. Call back to opening statement or attention step?

Note Facts and Law can be intertwined.

Primacy/Recency/ Repetition

Use technology

Tips

Do not chase the defense, make the argument for your case

Discuss with trial partner/others

Credibility of Witnesses/ Defendant

Argue specific holes- lack of DNA, poor police work, no motive, etc.

Use exhibits and organize in advance

Voice

Movement

Be yourself

Use something for everyone- color, tactile, appeal to reason/law, visual

Ronald Clark checklist

Appear prepared

Use understandable terms

Summarize concisely what happened- voice? Chronological?

Keep comments within evidence

Avoid making impermissible arguments

Persuasively present reasons for guilty

Create desire to convict- ,most do not want to

Use diagrams/ exhibits/ technology

Ronald Clark checklist

Explain elements of the crime and other important instructions

Point out unreasonable arguments of the defense

Use body language and eye contact

Planned initial and rebuttal statements

Avoid personal belief comments

Start strong/ end strong

Use common sense

REBUTTAL

- Prepare in advance
- Combo of planning and reaction to persuasive defense arguments
- Exit line
- Sound bites
- Motivate to convict
- Respond to defense arguments but do not let them control your rebuttal
- Start strong/End strong
- Be mindful of time
- Continue to use technology



DO NOT

1

Become emotional

2

Shift or misstate the burden

3

Appeal to emotions or sympathy or fear

4

Comment on right to remain silent

5

Comment on Defendant prior criminal history or propensity

6

Argue personal feelings or beliefs. No "I."
"The evidence shows..."

7

Make personal attacks

8

Refer to inadmissible evidence

9

Misstate the facts

MY METHOD

When case is assigned, make the theme as simple as possible. What happened? What is compelling about it?

Always be closing, throughout witness preparation to rebuttal

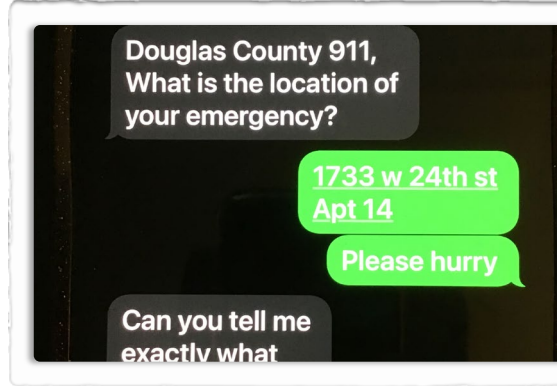
For directs, highlight the necessary facts for your closing

During trial, highlight what you will use for closing from opening on (including defense opening)

At end of trial continue to summarize case in strongest light

Prepare a PowerPoint combining facts/ exhibits/law

Practice do not read



Defendant attempts to flee

INSTRUCTIONS

- No. 1. Evidence- testimony of witnesses...any admitted exhibits
- No. 4. Statements of attorneys are not evidence
- No. 8. You have the right to use common knowledge and experience in regard to the matter about which a witness has testified.

CT 1:AGGRAVATED DOMESTIC BATTERY

- 1. The defendant knowingly impeded the normal breathing or circulation of the blood of Erin. J. Pitillo by applying pressure on her throat, neck or chest;
- 2. The defendant committed this act in a rude, angry, or insulting manner;
- 3. The defendant and Erin J. Pitillo were family or household members;
- 4. On March 10, 2020 in DGCO, Kansas.
- Family or household members 18 years or age of older who have resided together in the past.
- Knowingly, when defendant is aware of the circumstances in which he is acting.

The defendant knowingly impeded the normal breathing or circulation of the blood of Erin. J. Pitillo by applying pressure on her throat, neck or chest;



9:31

5G

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911 >

Text Message
Today 7:50 AM

Douglas County 911,
What is the location of
your emergency?

1733 w 24th st
Apt 14

Please hurry

Can you tell me
exactly what
happened?

Got strangled please
hurry

We're on our way do

Subject

- Reynolds- sees injury
- Pruett- sees injury
- Pruett- She is strangled on the couch, she cannot breath,, it is getting black, she thought she would die. ST. 22
- The mark is not there before and it burns to the touch.

VERDICT

- Law
- Evidence
- Guilty of Aggravated Domestic Battery and Aggravated Assault
- Domestic Violence Offenses

WORKSHOP CLOSING ARGUMENT



9-10 minutes



Consider: use of first minute and last minute, structure of the argument, persuasive segments, plausibility of the argument



Use at least one visual in the argument

References

- National District Attorney's Association Trial Advocacy Manual (\$85)
- Ronald Clark Closing Argument Checklists
- Ladies and Gentlemen Of the Jury: Greatest Closing Arguments in Modern Law- Michael S. Leif, H. Mitchell Caldwell, Ben Bycel.
- Trial Techniques- Thomas Mauet



Thank you !

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