

Closing to Win

1. Hook – primacy
2. Story supporting key theme – POV?
3. Law Stuff (frame the issues)
 - Not about...
 - Judge will say (It is about...)
 - a. POI – 2 approaches
 - sinister, or
 - time honored, consistent with oath.
 - “But what if....”
 - “No, No, No, you have it backwards....”
 - b. BOP – on govt, never on D
 - “But the Δ didn’t explain...
 - “Friend, remember, the Δ doesn’t have to explain anything. The G is the only one with the duty to answer questions, or explain anything. If we have any unanswered questions, the law requires us to ask, “why didn’t the G give us that information? Is there a way it could support innocence?”.
 - c. BARD
 - d. Oath – power limited only by your oath
 - e. Verdict that speaks the truth
4. Themes and stories (3-5 scenes total, jam one or two in here if appropriate)
 - a. Accredit your case
 - b. Undermine the gov’t case
5. 3 Options
 - a. proved each and every element BARD --> convict
 - b. evidence shows D innocent BARD --> acquit
 - c. maybe, what if, wish we had, etc --> acquit
 - Story or two here? (optional)
6. Unanimity and deliberation
7. Give Jurors an active role
 - a. Beware of the sandbag,
 - b. “Gov’t never loses when justice is done”,
 - c. Equal Justice Under Law
8. Stick the Landing - recency