

10-Step Formula

for the Perfect Opening Statement

How to win the jury over before evidence is presented



by Jarrett Stone

LawVenture.com

Welcome to Law Venture!

Let me introduce myself...

My name is Jarrett Stone.

I'm the founder of Law Venture and the owner of Stone Firm, PLLC.

I put this E-Book together because I love trial advocacy (I definitely have the courtroom bug) and I love helping others become better trial lawyers.

Anyways, enough about me!

Let's talk about you!

As a member of Law Venture, **you will have exclusive access to some pretty incredible resources and materials.** Be sure to check your email regularly for updates!

If you ever want to reach out to me, then you can find me at [@JarrettStoneLaw](#) on social media.

Now let's dive in!



10-Steps to the Perfect Opening Statement

Overview

1. “May it please the Court, Counsel, [Members] of the Jury”
2. Personable introduction with the jury
3. Tone Shift
4. Theme
5. Engaging story about other party’s wrong actions
6. Burden of Proof
7. Anticipated Evidence + Acknowledge Own Weaknesses
8. How other party’s actions have affected your client
9. How your client is overcoming these issues
10. Prayer

Step 1

1. **“May it please the Court, Counsel, [Members] of the Jury”**

This step is mainly a formality, which some state courts do not require.

When in doubt, say this introduction to be safe. Plus, it makes you look pretty formal and professional.

The main takeaway here is the portion that says [Members].

If your client has the burden of proof, then you want to unify the jurors. You can begin planting that seed by referring to them as a whole.

You can also bring unity by referring to the jurors as “Members of X County.” We tend to bond over living near one another.

On the other hand, if you do not have the burden of proof, then you may want to say “Ladies and Gentlemen of the Jury.” This also plants the seed that each person should have their own individual thoughts, which can help prevent group think.

Step 2

2. Personable introduction with the jury

Jury Selection (or “Voir Dire” for the fancy folks) requires the potential jury members to divulge some personal details about themselves. And they have to do it in front of a bunch of strangers.

As such, you should always diffuse any tension by making everyone comfortable. To do this, I strongly recommend that you be less of a lawyer and more like yourself (it will make you a better lawyer).

After you have a terrific Jury Selection, you should then try to use any “inside jokes” that have developed during Jury Selection as a way to transition into opening.

Just to be safe, it doesn’t hurt to have a planned introduction that you can default to if you aren’t able to develop any applicable inside jokes with the jury. For example, you can say, “Congrats everyone for making it on the jury. Or if you weren’t wanting to make it, well this is awkward...”

And yes, sometimes a joke can be so corny that it can be funny (story of my life). Just be sure to embrace that it is super corny.

Step 3

3. Tone Shift

This step is super critical to having an amazing opening!

So be sure check out the video blog (it has everything you need to know!) by [clicking here](#).



Be sure to read and implement this step!

Step 4

4. Theme

It's time that you transition your tone to the theme of your case.

This can be as simple as saying, "This is a case about [insert theme here]."

But, I would recommend a smoother flow from the tone shift to the theme. That will be specific to your particular Opening.

Keep in mind, you want the theme of your case to be simple, clear, and tailored to the facts of the case.

Also, try to avoid themes that are overly dramatic and/or themes that the other side can also use to their advantage.

For example, the theme of "choices" can be flipped against your client by the other side arguing that your client also made the wrong choices.

But, the theme of "gambling" is a bit harder to flip because, while it requires a choice, it also involves the element of risk and chance.

Step 5

5. Engaging story about other party's wrong actions

At this point, you have the jury's attention and you have primed them to start being critical of a person's actions.

So, it is important that you talk about the *other* party's actions well *before* you talk about how those actions have impacted your client.

If you start with your client, then you are risking the jury being critical of your client before they have the opportunity to be critical of the other party.

To make the story engaging, keep it short and concise. Try to use active language and be descriptive.

The best example is a terrific movie trailer. Those are short, yet powerful and engaging.

No need to be overly dramatic either. Simply walk the jury through a series of events involving the other party that leads to the clear conclusion that the other party did something wrong.

And don't forget to weave in your theme throughout!

Step 6

6. Burden of Proof

You should always (if given the opportunity) bring up the burden of proof during Jury Selection.

And when you explain the burden, be sure to use a simple analogy/example to make the burden of proof a bit more concrete.

If you brought it up during Jury Selection, just spend a brief amount of your Opening to talk about it as a reminder.

If you didn't bring it up during Jury Selection, then you'll need to spend more time making sure the burden of proof is clear to them.

Either way, you should transition from the burden of proof to the next step...

Step 7

7. Anticipated Evidence + Acknowledge Own Weaknesses

You should use a transition when you go from the burden to talking about the evidence that you expect will be presented during trial.

Example: “And during the course of this trial, I’m anticipating that you’ll be presented with more than enough evidence to satisfy this burden of proof. For example, you’ll hear from [witness’s name] who will testify about what she saw the defendant do that day. And you’ll also hear from...”

Be careful with this part. Don’t promise the jury specific evidence unless you know for certain that they will be presented that evidence.

And you definitely don’t want to promise evidence that may not be admissible.

It doesn’t hurt to undersell and over deliver either.

Finally, if there are anticipated issues with the evidence (or lack thereof), it’s always better to explain those issues to the jury on your own term and to minimize them before the other side addresses them.

Step 8

8. How other party's actions have affected your client

Now that the jury has had time to be critical of the other party and get a sense of the evidence presented, you can talk about your client a little bit.

You can even transition smoothly from the last step by saying “And you’ll get to know my client. She’s going to sit up here *pointing at witness stand* and tell you a little about herself. For example, (detail here). She’s also going to tell you how the Defendant’s conduct has affected her. Such as, (example). But more importantly, you’ll hear how she is overcoming these struggles by doing things like (example).”

Have a sense of pride and confidence when presenting your client.

If your client is shy, then embrace it by acknowledging that.

You may even want to walk over and stand next to your client as you introduce him or her.

The last part of the above example is really important and deserves its own step...

Step 9

9. How your client is overcoming these issues

The reason that you don't want to be overly dramatic during opening is because you don't want to paint your client as a complainer.

Instead, you should follow the injuries and negatives with some positives. By doing this, you will show that your client is overcoming these setbacks and challenges.

This strategy follows most Hollywood scripts because nobody likes someone who only complains and whines -- and everyone loves a comeback story.

By painting your client as a fighter, your client will gain credibility and you hopefully get the jury to start rooting for him/her as well.

Step 10

10. Prayer

You can never be clear enough.

So be sure to wrap up your Opening Statement with a clear instruction for the jury.

I recommend that you do not directly ask for the jury to rule in your client's favor because it's a big ask before they've had a chance to actually do their jobs.

It's a bit like asking someone to marry you if you haven't gone on a date with that person.

Instead, you can give the jury a soft pitch like:

"I'm not asking you to make up your mind right now. In fact, doing so wouldn't be right because zero evidence has actually been presented. But after it has, I'm going to ask you to rule in favor of my client. I won't be asking that just because that's what I want. No, I'll be asking that because the evidence will show that ruling in [client's name]'s favor is the right thing to do."

Done!

You're all set!!!

Follow this 10-Step Formula for the Perfect Opening Statement.

If you have any questions, then please do not hesitate to reach out!

Be sure to check out [this YouTube video](#), which supplements this E-Book.

Oh! Be sure to check out this next page...



@JarrettStoneLaw



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