Opening Statement as a Metaphor for Class Design & Presentation
The opening statement is generally constructed to serve as a "road map" for the fact-finder. This is especially essential, in many jury trials, since jurors (at least theoretically) know nothing at all about the case before the trial. Though such statements may be dramatic and vivid, they must be limited to the evidence that will be presented.
Opening Statement as a Metaphor for Class Design & Presentation?
<table>
<thead>
<tr>
<th>OPENING STATEMENT</th>
<th>CLASS DESIGN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planned communication opportunity</td>
<td>✓</td>
</tr>
<tr>
<td>For a single messenger</td>
<td>✓</td>
</tr>
<tr>
<td>To convey a structured message</td>
<td>✓</td>
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<tr>
<td>Introducing and explaining information</td>
<td>✓</td>
</tr>
<tr>
<td>To a specific group of receivers</td>
<td>✓</td>
</tr>
<tr>
<td>For the purpose of securing desired outcomes</td>
<td>✓</td>
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</tbody>
</table>
Messenger  Message  Receiver
Messenger

Demeanor
Respectful
Engaging
Sincere
Confident
Enthusiastic

Delivery
Preparation
Position

Professor in Class
Lawyer in Opening
You'll never have a second chance to create a good first impression.
WE ALL HAVE A STORY TO TELL

"THOSE WHO TELL STORIES RULE THE WORLD."
- PLATO
From jury studies, we strive to:

- Start Strong with compelling Theme
- End Strong, Returning to Theme
- Be Clear and Organized
- Use Carefully Chosen Understandable Language
- Be Selective
- Avoid Overstatements
- Integrate Rhetorical Devices Deliberately
- Acknowledge Difficulties
- Use Media
- Deliver with Confidence
- Prepare to Commit
DOES THIS RING TRUE FOR YOUR TEACHING?

BE TRUE TO YOURSELF AND YOU'LL RING TRUE TO THE WORLD.
recency
Start strong,
End strong.
Repetition is the mother of all learning.
"The picture cannot be painted if the significant and the insignificant are given equal prominence. One must know how to select.

- Benjamin N. Cardozo
Content

- Simple, honest, compelling, descriptive
- Carefully chosen language and phrases
- Tied to theory of case and theme
- Visual and Oral
- Including persuasive techniques (rhetoric, inoculation, trilogies, metaphors, similes, alliteration)
- Using consistent labels and tags
Structure

- Structure is a matter of choice, but it should be a deliberate choice.
  - Might be chronological
  - Might be reverse chronological
  - Might be topical
  - Might be witness-driven

- What about in your world?
Structure

► BEGINNING: Start with a Statement of Theme: “This is a case about . . . .”

► MIDDLE: Tell the entirety of the story in chapters that make separate points in ways that make them easily remembered.
  ► Select carefully what parts of the story you will include
  ► Consider effectiveness of maintaining interest, anticipation, build-up, and flashback,

► END: Return to theme and with a final appeal that will alert the jury to what is expected of them; what wrong they must right; what vindication the party will expect.
Message

Delivery

In Class

In Court
Delivery

- Confidence is imparted by a prepared, but not memorized presentation, which has the feel of a natural conversation

- Avoid barriers to effective communications, including:
  - Notes
  - Long Sentences
  - Ambiguous Words
  - Misstatements
  - Unvarying voice level
  - Inconsistencies
  - Ego
  - Podiums
  - Big Words
  - Repetitive Fillers and “Lead ins”
  - Passive voice
  - Condescension
  - Verbal Tics
  - Non-verbal Mannerisms
Receivers

Students

Jurors

Students

Jurors
How we learn:

- **25%** visual and verbal combined
- **75%** verbal only
- **10%** visual and verbal combined

Combination of verbal and visual is 6X as effective.
Students in Class?

Jurors during Opening?

EVERYONE ON EARTH?
Jurors (and students) behave like other humans:

They remember better

- what they hear first
- what they hear last
- what they hear most often
- what they see and hear
- what interests them
From jury studies, we strive to:

- Integrate visual and auditory information to reach different types of learners
- Expect and attempt to counter apathy, boredom, fear, and disinterest
- Recognize that jurors have preconceived belief systems to which they will try to anchor the facts in the case
- Acknowledge that jurors often reach a conclusion early and fit facts to accommodate that conclusions
- Realize that we are unable to change belief systems
Key is Preparation
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