



Opening Statement as a Metaphor for Class Design & Presentation



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Opening statement

From Wikipedia, the free encyclopedia

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 presented.

many attorneys will make at least a brief argument in their opening (often presenting evidence arguments that some variation on the phrase, "As we will show you..."). [Objections](#), though permissible during opening statements, are very unusual, and by professional courtesy are usually reserved only for egregious conduct.

Generally, the [prosecution](#) in a criminal case and [plaintiff](#) in a [civil case](#) is the first to offer an opening statement, and defendants go second. Defendants are also allowed the option of delaying their opening statement until after the close of the prosecution or plaintiff's case. Few take this option, however, so as not to allow the



jury during

a mock trial.



Opening Statement
as a Metaphor for
Class Design &
Presentation?

OPENING STATEMENT	CLASS DESIGN		
Planned communication opportunity		✓	
For a single messenger		✓	
To convey a structured message		✓	
Introducing and explaining information		✓	
To a specific group of receivers		✓	
For the purpose of securing desired outcomes		✓	



Messenger

Message

Receiver

Messenger



Professor in Class

Lawyer in Opening

Demeanor
Respectful
Engaging
Sincere
Confident
Enthusiastic

Delivery
Preparation
Position

You'll never have
a second chance
to create a good first
impression.

iliketquote.com

Message

Content

Delivery



Delivered in Class



Delivered in Court

Message

Content



In Class



In Court



**"THOSE WHO
TELL STORIES
RULE THE
WORLD."**

- PLATO






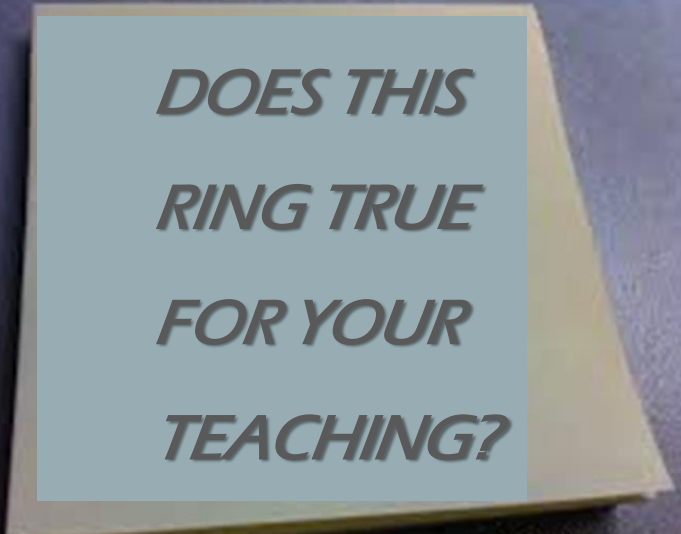
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From jury studies, we strive to:

- ▶ 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

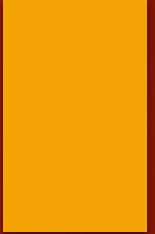


BE TRUE
TO YOURSELF
AND YOU'LL
RING TRUE TO
THE WORLD.



***DOES THIS
RING TRUE
FOR YOUR
TEACHING?***

Primacy





recency

**Start strong,
End strong.**



[illegible]



"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



In Class



In Court

Delivery

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



Jurors

Students

How we learn:

25%

75%

Combination
of
verbal and
visual is
6X as
effective

10%

verbal only

visual and verbal combined

65%



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



- [illegible]

