How to Write an Opening Argument

Step 1

Introduce yourself and the members of your team. Address the judge and jury using appropriate courtroom language, such as "Your honor, members of the jury, I am [name] and I represent [name of party]. To my [left, right] are my colleagues [name other members.]"

Step 2

Tell the nature of the case. Write a brief sentence or two regarding the reason for the trial. For example, in a trial for murder, you can state: "My client, [name of client], has been charged with first degree murder in the death of [victim] on [date]. We will present evidence to you that [name of client] could not have committed this crime."

Step 3

Introduce the argument by outlining the most relevant points of your case. Try to limit your case to three or four points. State your argument firmly by writing: "We will show that the defendant is not guilty of murder because he has an alibi for the night of the murder; our experts will further prove that the defendant's DNA was not found at the scene of the crime; and we will show that the police investigation and subsequent evidence gathering was poorly carried out."

Step 4

Give details as your argue your points. The details should include the witnesses (expert and lay witnesses) that you will call to the stand and what they will say, as well as the type of evidence that you will offer.

Step 5

End your argument by thanking the members of the jury and the judge. Restate your main points in a short sentence or two; then thank everyone for their attention.

**Example**

Good afternoon, ladies and gentleman. My name is Larry Lawyer, and I am representing the plaintiff, Jessica Smith. We are here today to decide if the defendant, John Smythe, is liable for damages caused to Ms. Smith’s vehicle as a result of a car accident that took place on June 15, 2003. On that day, Ms. Smith was driving her car down Main Street when the defendant smashed his car into Ms. Smith’s car. We will provide police reports that show that Mr. Smythe was driving without a valid driver’s license, and that he was intoxicated at the time of the accident. In addition, we will provide the compelling eyewitness testimony of Ms. Sarah Crown, who saw the defendant’s car run through a red light and strike Ms. Smith’s car. Ladies and gentleman of the jury, Ms. Smith is a hardworking, honest, and law abiding citizen. At the conclusion of this trial, it is my hope that in the interests of justice you will find that the defendant is responsible for causing Ms. Smith’s injuries and find in her favor. Thank you very much.

Most opening statements take between 10 and 45 minutes, although, depending on the complexity of the case, some may take longer. Some jurisdictions have developed rules for how long opening statements, as well as closing statements, may be. Other jurisdictions leave such time limitations to the judge’s discretion.

Opening statements are important because studies have shown that trials are sometimes won and lost just through the opening statement. Studies have revealed that often, jurors make up their minds based on the opening statements. They may consider the evidence, but the impressions the jurors form during the opening statements often greatly affect their final decision.