

## THE OPENING STATEMENT

1. The opening statement is first given by the plaintiff or prosecution, then the defendant. Opening statements should:

outline the case...provide a framework to analyze the case

state the facts of the case that you expect to prove

"understate" or "soft-sell" points

appeal to the good judgment of the court

(defendants in criminal cases) stress the state's burden of proof, i.e., to show guilt beyond a reasonable doubt.

not be argumentative

not make any conclusions

not refer to evidence if its admissibility is doubtful because it may violate one of the rules of evidence.

2. Begin with a formal address to the Judge: "May it please the court, your Honor, Counsel, my name is \_\_\_\_\_, counsel for \_\_\_\_\_ in this action."

3. The opening statement, which outlines the case, may be presented in chronological order or another orderly sequence of events.

4. Proper phrasing includes:

the evidence will indicate...

the facts will show...

witnesses will present evidence to show...

witness A will be brought to testify on the state's/plaintiff's behalf that...

witness B will be called to tell you...