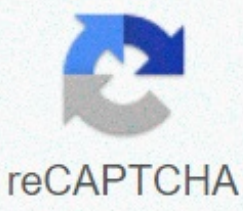




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## Closing argument example family law

The Family Legal Jury Trial This paper examines the process of the family legal jury trial: the theme; voir severe; the opening statement; the proof; witnesses; and the closing statement. Read more There are very few times when engaging in the law feels like artist; the closing argument is one of them. If you feel overwhelmed by the task — here's how to set up a convincing closing argument in five easy steps. By Kimberly A. Quach, Family attorney drafting a convincing closing argument As trial lawyers, we all dream of setting up a beautifully crafted, compelling closing argument — a solid summary of the evidence that leaves the court breathless to set up an opinion in our favor, and our clients shout to pay our bills in gratitude for excellent advocacy. We have great hope about closing when we hear bits and pieces from our client and other witnesses' comments, the judge's rulings and thoughts and the other lawyer's arguments. And we can virtually taste how wonderful our closures will be if we see the ordeal during each of these stages. Oh, yes, we think, I have to remember to include the judge's comments during that evidence ruling. But when we actually sit down to write this convincing masterpiece, we are overwhelmed by the extent of the task. Suddenly, incorporating all the wonderful ideas seems an unsustainable goal. We have no idea where to start. How can we reduce the matter to its fabric without sacrificing the one factor that could tip the scales of justice in our client's favor? How can we change the judge's mind if she was otherwise inclined to govern in favor of the opposing position? This hot tip is designed to help with the task of setting up a closing argument in five easy steps. It's hardly a panacea for good preparation, but it could help the lawyer's non-judgmental, think tanks flow juice rather than slow the process of drafting when perfectionism looms. The Five Easy Steps The five easy steps to set up a convincing closing argument are based on the premise of the closing argument being partially set up, while trial is underway rather than after the trial. Surely one can't set up a good closing argument until the end of the matter, but why not brainstorm about ideas for closing if you listen to the case? Pull out your highlights, colleagues, if you listen to opening statements and testimony so you can easily refer to what you found compelling if you listen to the case. Then, when you finally have the opportunity to set up your closing argument, you can collect all these bits and pieces and quickly incorporate them into your argument. However, lest I come before myself, the in setting up your closing argument at least include the following: Listen to the Matter Carefully. Listen to the witnesses, the evidence presented, and the Court and opposing counsel with the of your case repeat like a well-memorized mantra. Also check for the Big Bug made by the opposing client. Mark supporting information for future reference. Emphasize any evidence, and comments by the court that support your theme in the case, as well as your perception of the Great Bug made by the opposing client. Identifies two or three main points in the case. Identify two or, at most, three main points relevant to the court's consideration. Customize the supporting information in your overview. Take all the highlighted information you thought was useful and put it in the breakdown you created. Create a packing introduction that summarizes your assessment of the case. After you create an overview, complete with supporting information, craft a spicy, catchy introduction that lets you start closure. Listen to the case carefully It's important to establish a theme to your case in your opening statement, which is beyond the scope of this hot tip, so I won't address how to develop that theme. Your task, if you listen to the case, is to listen to how your theme plays through the evidence. Is it supported? Should the theme be changed? If so, what additional evidence should be submitted to support the modified theme? How do you plan to pitch the justification for the modified theme to the court in conclusion? It's also important to see how the opposing customer's theme plays through the evidence. Did he make promises that weren't kept during the case? Did he institute testimony or evidence that contradicts his theme? A major mistake is the part of a case in which the opposing client submits evidence or evidence that materially underscores his initial assessment of the case. Listen carefully to the matter to identify that Big Bug. At some point in the middle of your closure, make sure to identify the opposing customer's Big Mistake to undercut the opposing case. It is best to do so at the center of the case so that the court does not consider this technique to be unnecessarily negative or overrealous. Mark supporting information for future reference There is no need to artificially compartmentalize tasks as a trial advocate. Being a good trial lawyer is a lot like flying a plane on instruments — one has several critical functions to negotiate simultaneously, and that's perfectly fine (maybe even expected) to multitask. So that listening to the evidence for the closing argument doesn't get too tricky, I suggest you use just one color of highlighter to identify the information you feel could be valuable for your closure. If you highlight the important tides, you'll be more likely to stop worrying about remembering them later. (Those lawyers who are highlight-happy can create a colour for cross examination.) Remember that there are multiple sources of information for you The judge can make preliminary comments on the record or in rooms you want to address in conclusion. Your client or an expert may have used a clever phrase to describe a feature of the case. In one of my recent trials, the expert said the father was consistently inconsistent' in his positions during a conservation study, a statement I found particularly helpful in my closure. And don't forget displays as a source of closing argument materials, which should be identified by exhibition number in your closing, so the court has a clear breakdown of why you're making your arguments. The judge may not prepare a verdict for several days after the trial, so specific references to exhibitions and testimony will be helpful in refreshing her memory. More importantly, use of exhibition numbers and specific references to evidence will rest your argument at an air of credibility, making the court safer in its willingness to trust your perceptions of the case. Identify two or three main points in the case the court can process only as much information. After reviewing all your highlighted information in a very summary fashion, try to think of two or three main ideas that summarize the evidence and testimony. This should be the hardest part of setting up your argument, so don't be yourself if it takes a little time. A coherent structure for your argument is the foundation of what makes it compelling and easy for the court to consume altogether, with all its nuances. Customize the supporting information in your overview This is truly the fun part. Make a list of all the information you've highlighted, and fit it into the structure you created. Start grouping the ideas within the structure you prepared. If the evidence is duplicable or related, for example, use the information in its contents as a list in your closing. Consider the following: You might say, All the lay witnesses agreed that the Mother was the child's primary caregiver, including . . . and list the witnesses' names. The woman's spending habits, as summed up in year-end VISA and American Express Statements (Exhibits 31 and 32), show that she spent at least \$3,000 a month after taxes. If a witness provides a good anecdote about the evidence, place it in the outline. At this point, don't be judgmental about what you include. Just list it all. If you're like me, the closing argument you set up is about an hour long. If your judge doesn't have this level of patience, now's the time to start cutting out detail that you feel isn't essential to the argument, or to summarize the detail more briefly. Your choice on what to omnive from your closing argument should be based in part on how the judge responded to the evidence. If she is by one particularly unmatched turn in the evidence, it's a good bet you can safely omit that from your closing. If your judge was careful not to reveal her leanings, put your best argument together. Know that you may need to adjust if the judge appears to hint at your approach during closing. Create a catchy introduction that summarizes your assessment of the case your argument is set up. You breathe a sigh of relief. But now, according to communications experts, you need a catchy introduction. This introduction will grab the court's attention and give you the momentum to deliver your closure with an appropriate level of enthusiasm. This should complement your theme. Maybe you'll adopt a witness, or read from an exhibition, or provide an analogy for the way your client or the opposing customer approaches the case. Whatever it is, make it simple. Your goal is to have the court repeat your introduction and theme in her ruling. Conclusion Drafting a closing argument is hardly brain surgery, but sometimes we treat it that way because we want it to be excellent. This Hot Tip hopefully offers some ways to help the lawyer quickly set up a compelling closing argument by treating it like a brainstorming exercise, rather than like Chagall's irreversible splotch of oil painting on a clean canvas. There are very few times when engaging in law feels like artist; the closing argument is one of them. Be creative, and be credible by preparing for closing argument throughout the trial. Related articles The Assisted Opening Statement Shows the judge why your case is worth it. Development and Launch of Exhibitions Almost anything can be an exhibition, if it will promote the cause and lead to proof of the matter. Kimberly Quach is a member of the Oregon and Washington bars. She practiced commercial litigation and family law in Seattle and Portland before going to Singapore in 2000 and becoming general counsel for NMG Financial Services Consultative. Categories: Published on: October 31, 2011 2011

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