Class 11: Opening and Closing Statements

April 11, 2016

Read the following before class:

Commentary, including sample slides, from Oracle v. Google opening statements:
http://www.theverge.com/2012/5/8/3008085/oracle-google-patent-phase-opening-statements

Wilcox, Elliott, "Punch Your Jurors in the Mouth During Opening Statement"

Wilcox, Elliott, "Show, Don't Tell, During Closing Argument"

Wilcox, Elliott, "Are You Looking Jurors Squarely in the Eyes?"
http://trialtheater.com/courtroom-presentation-skills/eye-contact-with-juror/

Sample opening statements from a personal injury firm:
https://www.millerandzois.com/sample-opening-statements.html

Excerpts from Merck v. Gilead Opening statements

Activities in Class:

1. Turn in summary judgment briefs by email by 11:59 p.m. Monday, April 11;
2. Discuss April 25 trial exercise logistics and expectations;
3. Prepare a 3-5 minute opening statement based on a familiar fact pattern:

A. Three Little Pigs (you represent the pig who built the house out of sticks suing the stick-house manufacturer for negligent design of a house);
B. Humpty Dumpty (you represent the leader of the King’s Men defending against a malpractice suit (they failed to put him back together again) -- by saying it was the King’s own fault);
C. You represent Edward Snowden and will show his actions were justified;
D. You represent Apple against the FBI;
E. You are prosecuting Hillary Clinton on charges similar to the charges brought against Gen. Patraeus;
F. You represent Donald Trump. You choose the charges.

The point is not on the facts themselves, but on how, given a set of facts, you choose to highlight and order them, based on tips gleaned from the readings.