

MAJ TRIAL SKILLS SEMINAR: PLAINTIFF'S CLOSING ARGUMENT

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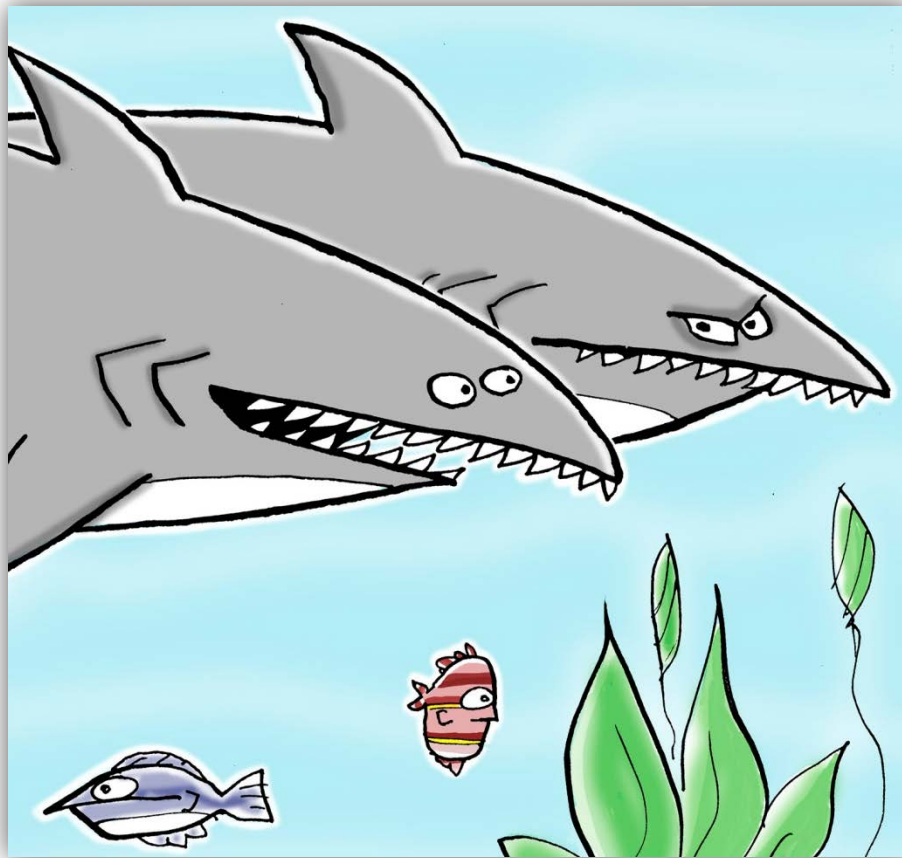
THE GOLDEN RULE: DO NOT CONFUSE FIGHTING WITH ARGUMENT

FIGHTING

- We fight to overpower or subdue.
- We fight to outscore.
- Fighting involves blunt force.

ARGUMENT

- We argue to achieve agreement.
- We argue to get our way, which sometimes involves concession.
- Argument involves seduction.



“I know it sounds weird, Bill, but it’s true! When I focus on what I can BRING to the feeding frenzy instead of what I can get from it, I feel a whole lot better about myself.”

FIVE CANNONS OF PERSUASION

- Invention: Decide what you want to say;
- Arrangement: Decide the order in which you want to say it;
- Style: Decide how best to present your message to the jury;
- Memory: Write it all down and learn it; and,
- Delivery: Say it like you mean it.

Inventing Your Argument: The three core issues

1. Blame (Past Tense)
2. Values (Present Tense)
3. Choices (Future Tense)

Inventing Your Argument:

The three forms of all argument

1. Character
2. Emotional
3. Logical

The three components of Character Argument

1. *Virtue*: the jury believes you share its values;
2. *Street Smarts*: the jury believes you know how to solve their problem; and,
3. *Disinterest*: the jury believes you are selfless and likable.

Inventing Your Argument: Character Argument #1: Virtue

- Be familiar
- Be authentic
- Do not fret over eloquence

Inventing Your Argument:

Character Argument #2: Street Smarts

- Know your case better than your opponent
- Adapt and concede
- Craft a “third-way” approach

Inventing Your Argument:

Character Argument #3: Disinterest

- Be honest about the good and the bad
- Be selfless
- Be likable

Emotional Argument

- Tell a first person story
- Call on the jury's common experience
- Control your volume
- Use simple language
- Use anger only when the jury has been insulted
- Make the jury feel important

Logical Argument

- Identify your issues
- Organize your issues into liability and damages
- Slot your issues into common sense, inarguable principles

Arrange your Argument

The classic presentation format has six stages:

1. Introduction (simple emotion)
2. Narration (history & relevant facts)
3. Division (agreement/disagreement)
4. Proof (why you're right)
5. Refutation (why they're wrong)
6. Conclusion (the "third-way" solution)

Speaking Style

- Use proper language: formal informality;
- Clarity: avoid legalese & ten cent words;
- Vividness: use photographs, video & documents to render a mental image;
- Decorum: use imagery and words to which the jury can relate but remain true to yourself
- Ornament: record your argument and watch it

Memory

The DOs of PowerPoint

- Use few words
- Enhance and clarify
- Simplicity rules
- One point at a time

The DON'Ts of PowerPoint

- Use too many words
- Use too many graphics
- Present more than one point at a time
- Show anything you don't explain
- Use technology for its own sake

Delivery

- Vary your voice inflection
- Vary your speed
- Maintain eye contact

**AND ABOVE ALL ELSE, BE TRUE TO YOURSELF &
YOUR EMOTIONS ...**



THERE IS NO USE BEING KING OF THE JUNGLE WHEN THE JUNGLE SITS IN JUDGMENT.

Be Yourself. Only Better.