

### **Opening Statements**

Opening statements allow counselors to provide the court with a guide or road map of what is about to happen during the court proceedings. First impressions are important! Opening statements acquaint the judge and jury with the case and outlines what you, as peer counselors, are going to prove through witness testimony and the admission of evidence. Prosecution counselors make the first opening statement followed by the defense since prosecution has the burden of proof. This statement is addressed to the jury and it is the first time you talk to the court. Jurors have a hard time paying attention to opening statements when the counselors just read their statements from a piece of paper. You will want to have eye contact, be energetic, and be engaging without being too dramatic. You will want to be confident in your case and in what you have to say.

### **Components of an Opening Statement**

- Greet judge and jury.
- Introduce yourself.
- Who you represent.

### **Content of the Presentation**

- Describe the offense or problem behavior and the circumstances surrounding it.
- Present a believable and persuasive case theory (for "guilty" cases include how the harm can be repaired, the needs of the defendant, and the role of the community in the recommended sentence).
- Present a short summary of the facts that support case theory.
- Mention of the burden of proof (the amount of evidence needed to prove the fact) and who has the burden in the case.
- The applicable law.
- Summarize evidence to be introduced, including witnesses, in an organized, engaging, and memorable fashion.
- Recommend a sentence (only in "guilty" cases).

### **Communication**

- Speak plain English.
- Make good eye contact with jurors and be aware of body language. Gain a positive rapport.
- Speak in a confident manner and appear confident.
- Speak loudly and slowly so the jury can understand you.
- Vary inflection.
- Use the future tense in describing what you will do (i.e., "The facts will show", or "Our witnesses'

# Opening Statement Guide

**L Cohen**



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