

The University of Texas School of Law

2017 The Car Crash Seminar

August 17-18, 2017

Norris Conference Center

Austin, Texas

Storytelling/Themes
in
Opening and Closing Arguments

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I. Tell me a story:

“I’ve learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel.”

–Maya Angelou

Are there any words sweeter to the ears than these words from a small child, “**Tell me a story**”?

Stories are how humans explain the world to other humans. We convey the hopes, desires, fears, dreams, beliefs, cultures and history of who we are through stories, and have done so for as long as humans have gathered around campfires and lived as a social order. Stories, and the feelings they invoke are deeply imbedded in our DNA and are as much a part of who we are as human beings as “fight or flight”.

The Bible undoubtedly began as oral tradition and stories that came down from one generation to the next until they were reduced to the written word and come to us today in a form that many believe is inerrant. At any rate, they are undoubtedly compilations of the recollections and insights of people sometimes long dead before the scrivener sat down to put them to paper. **The Word, began as stories. And make no mistake, they are crafted and created to not only inform, but to convince.**

Stories may or may not be completely accurate but they must be undeniably true in order to impart their magical qualities on the human heart and mind.

Stories, properly constructed, and artfully told, make us feel the way the storyteller wants us to feel.

Should we be angry; should we be outraged; should we be frightened; should we be inspired; should we be sad; should we be happy; should we be empowered; just how should we feel?

The good storyteller answers all of those questions for us.

How do I make a lawsuit tell my client’s story and entertain a jury, and more to the point, engage, inspire and empower them?

Can a story inspire a jury to **ACT**? Can a story inspire a jury to be **EMPOWERED**?

Will the Court allow me to tell my client’s story?

II. RULE 265. Order of proceedings on trial by jury

The trial of cases before a jury shall proceed in the following order unless the court should, for good cause stated in the record, otherwise direct:

- A. The party upon whom rests the burden of proof on the whole case shall state to the jury briefly the nature of his claim or defense and what said party expects to prove and the relief sought. Immediately thereafter, the adverse party may make a similar statement, and intervenors and other parties will be accorded similar rights in the order determined by the court.

III. RULE 269. Argument

- A. After the evidence is concluded and the charge is read, the parties may argue the case to the jury. The party having the burden of proof on the whole case, or on all matters which are submitted by the charge, shall be entitled to open and conclude the argument; where there are several parties having separate claims or defenses, the court shall prescribe the order of argument between them.
- B. In all arguments, and especially in arguments on the trial of the case, the counsel opening shall present his whole case as he relies on it, both of law and facts, and shall be heard in the concluding argument only in reply to the counsel on the other side.
- C. Counsel for an intervenor shall occupy the position in the argument assigned by the court according to the nature of the claim.
- D. Arguments on questions of law shall be addressed to the court, and counsel should state the substance of the authorities referred to without reading more from books than may be necessary to verify the statement. On a question on motions, exceptions to the evidence, and other incidental matters, the counsel will be allowed only such argument as may be necessary to present clearly the question raised, and refer to authorities on it, unless further discussion is invited by the court.
- E. Arguments on the facts should be addressed to the jury, when one is impaneled in a case that is being tried, under the supervision of the court. Counsel shall be required to confine the argument strictly to the evidence and to the arguments of opposing counsel. Mere personal criticism by counsel upon each other shall be avoided, and when indulged in shall be promptly corrected as a contempt of court.
- F. Side-bar remarks, and remarks by counsel of one side, not addressed to the court, while the counsel on the other side is examining a witness or arguing any question to the court, or addressing the jury, will be rigidly repressed by the court.
- G. The court will not be required to wait for objections to be made when the rules as to arguments are violated; but should they not be noticed and corrected by the court, opposing counsel may ask leave of the court to rise and present his point of objection. But the court shall protect counsel from any unnecessary interruption made on frivolous and unimportant grounds.

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First appeared as part of the conference materials for the
2017 The Car Crash Seminar session
"Storytelling and Themes"