

STANDARD OBJECTION RESPONSES FOR OPENING STATEMENTS AND CLOSING ARGUMENTS. Memorize them (or something similar).

1. Response to any objection made during opening statement:

General idea – try to avoid arguing the merits of the objection unless forced to by the judge. For example, if you refer to what Smith told Jones and the other side objects that it is hearsay and inadmissible, do NOT try to argue admissibility. Instead:

I AM JUST DISCUSSING THE EVIDENCE I BELIEVE WILL BE INTRODUCED

If you say that you are entitled to a verdict if the other side fails to meet its burden of proof, and they object that you are arguing and discussing law, the same holds true. Do NOT try to argue the merits. Instead:

I AM JUST DISCUSSING THE EVIDENCE I BELIEVE WILL BE INTRODUCED

2. Response to any objection made during closing argument:

General idea – again, try to avoid arguing the merits of the objection unless forced to by the judge. For example, if you refer to the fact that the witness has a responsible job and the other side objects that this fact was not in evidence, do NOT try to get the record read back or remember exactly which witness said what. Instead:

THIS IS ARGUMENT (may be said with sarcasm). I AM JUST ARGUING WHAT INFERENCES AND CONCLUSIONS THE JURY SHOULD DRAW BASED ON MY RECOLLECTION OF THE EVIDENCE THAT WAS INTRODUCED.

Second example – you argue that the victim's sister was traumatized by the event, and the other side starts screaming that you are outside the facts of the case and appealing to sympathy. Do NOT try to argue the merits. Instead:

THIS IS ARGUMENT (may be said with sarcasm). I AM JUST ARGUING WHAT INFERENCES AND CONCLUSIONS THE JURY SHOULD DRAW BASED ON MY RECOLLECTION OF THE EVIDENCE THAT WAS INTRODUCED.

Third example – you argue that the jury should return a verdict in order to send a message to the defendants that they have to do a better job of insuring the safety of their premises, and the other side objects that this is improper argument and misstating the law. Do NOT try to argue the merits. Instead:

THIS IS ARGUMENT (may be said with sarcasm). I AM JUST ARGUING WHAT INFERENCES AND CONCLUSIONS THE JURY SHOULD DRAW BASED ON MY RECOLLECTION OF THE EVIDENCE THAT WAS INTRODUCED.

