

HOW TO PUT TOGETHER AN EFFECTIVE CLOSING ARGUMENT

by Joseph P. Cadicina, Esq.
Laufer, Dalena, Cadicina, Jensen & Boyd, LLC

A closing argument takes place after both parties have rested their cases. It is important for a trial lawyer to keep good notes regarding the testimony and the evidence that was introduced at the time of the trial. This information will be incorporated into the closing argument in order for you to present a theory of your case to the court. The litigator must use the introduced exhibits and testimony in order to highlight the facts of the case to the trier of fact. It is also a good opportunity for the attorney to argue the strengths of their case and address the weaknesses in the other side's case. The closing argument should be short and concise so that the attorney can make clear points regarding the key elements of their case. Attorneys should also explain to the Court what relief they are seeking and why it should be granted. It is often more effective to have the attorney present the facts without reading the facts from a written script but rather, trying to tell a story.

Many trial courts require written submissions in lieu of or in addition to the closing arguments. This is a perfect opportunity for you to present to the court how the facts apply to the law in your case. It is often helpful to point to the specific evidence or testimony which supports your position. If a written summation is done thoroughly and accurately, it is possible that the court can incorporate the summations of one party into the decision of the court. The closing arguments or written summations are intended to show the court how you have proven your case. This is very different from an opening argument that outlines for the court what will be presented by way of testimony and evidence to prove the case.