

CLOSING ARGUMENTS

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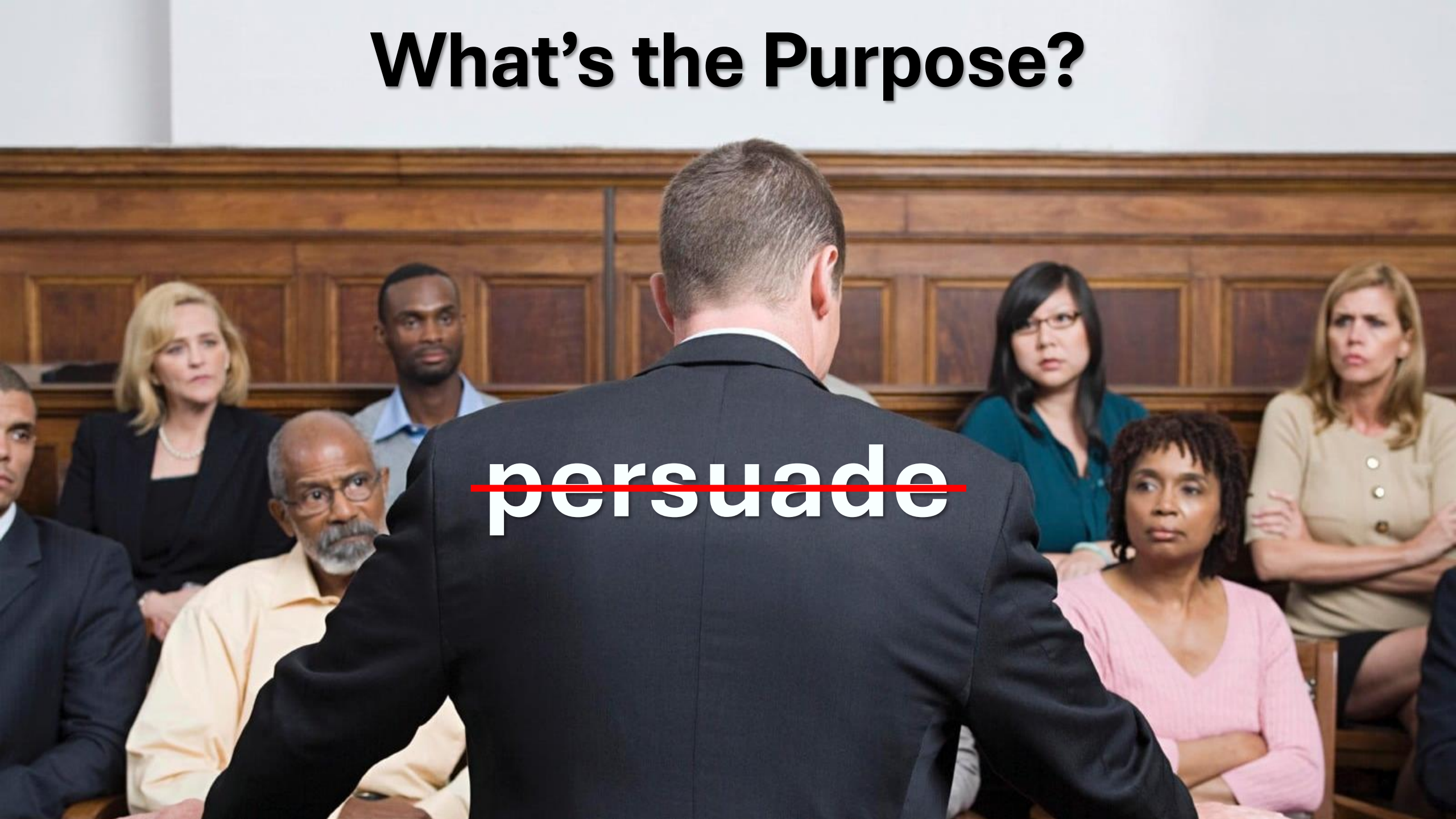
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A statement or set of premises, backed by evidence, intended to prove a point or *persuade*.

ARGUMENT

What's the Purpose?

A man in a dark suit is seen from behind, addressing a group of diverse people seated in a room with wood-paneled walls. The audience includes a woman with blonde hair, a man with a beard, a woman with glasses, and a woman with short dark hair. The word "persuade" is written in white lowercase letters across the man's back, with a red horizontal line striking through it.

~~persuade~~

Time to RE-THINK the evidence???
By closing.....mostly decided.



Advocate

Lawyer
Organized
Brain

Analytical



Experiences

Human
Intuition
Brain

Story





Trial Technique → Decision Science

my journey

From : Why didn't they see the case
the way I saw it?

To (the better question):
Why would I expect them to?

What happens between
information (evidence) and
judgement (verdict)?



Decision Making

Cognitive Biases

175+
different
types



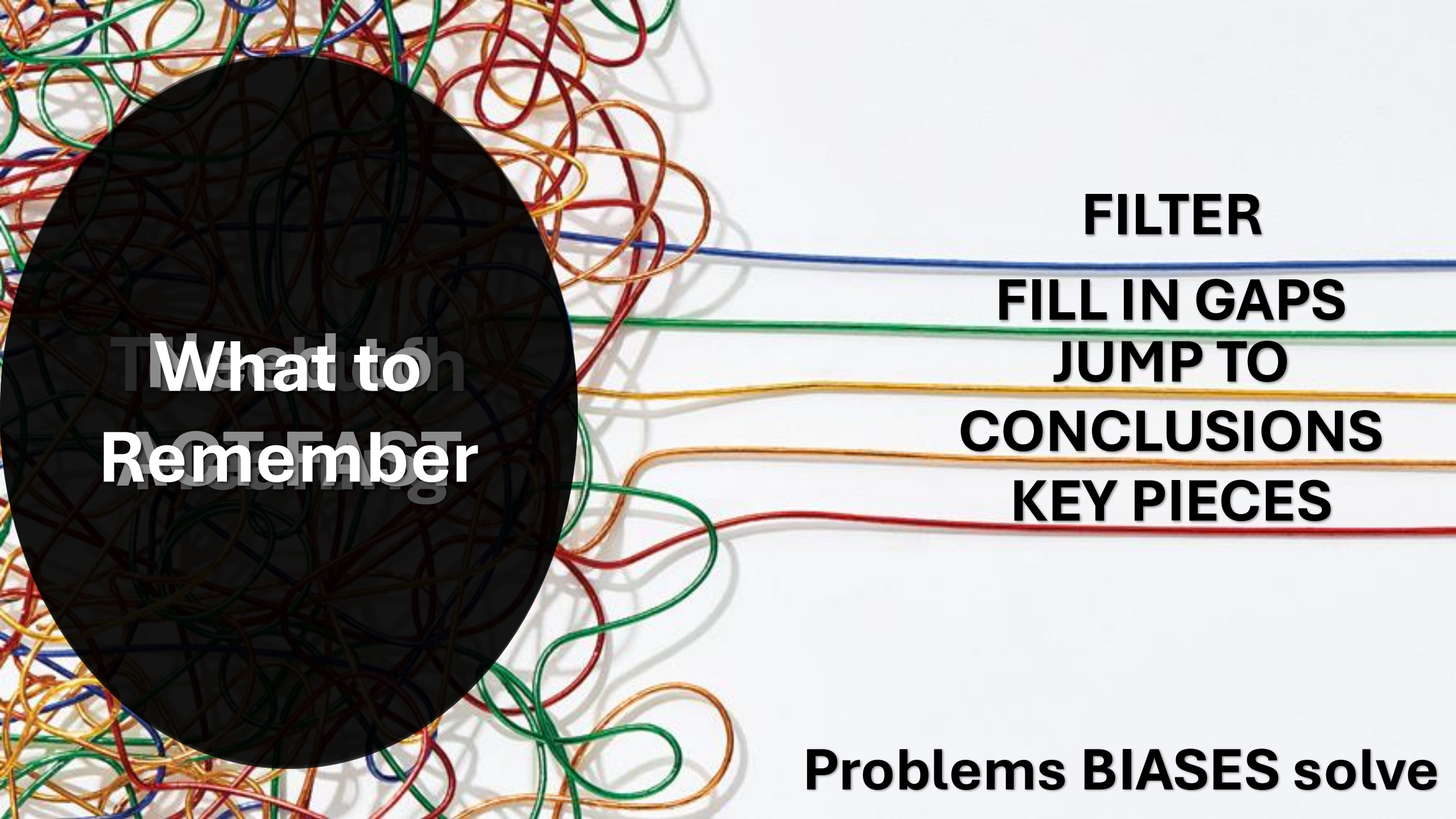
Distortion in thinking and decision making, for example, forgetting

Why do we have them?

Our Brains Like to Save

TIME

ENERGY



**What to
Remember**

**FILTER
FILL IN GAPS
JUMP TO
CONCLUSIONS
KEY PIECES**

Problems BIASES solve

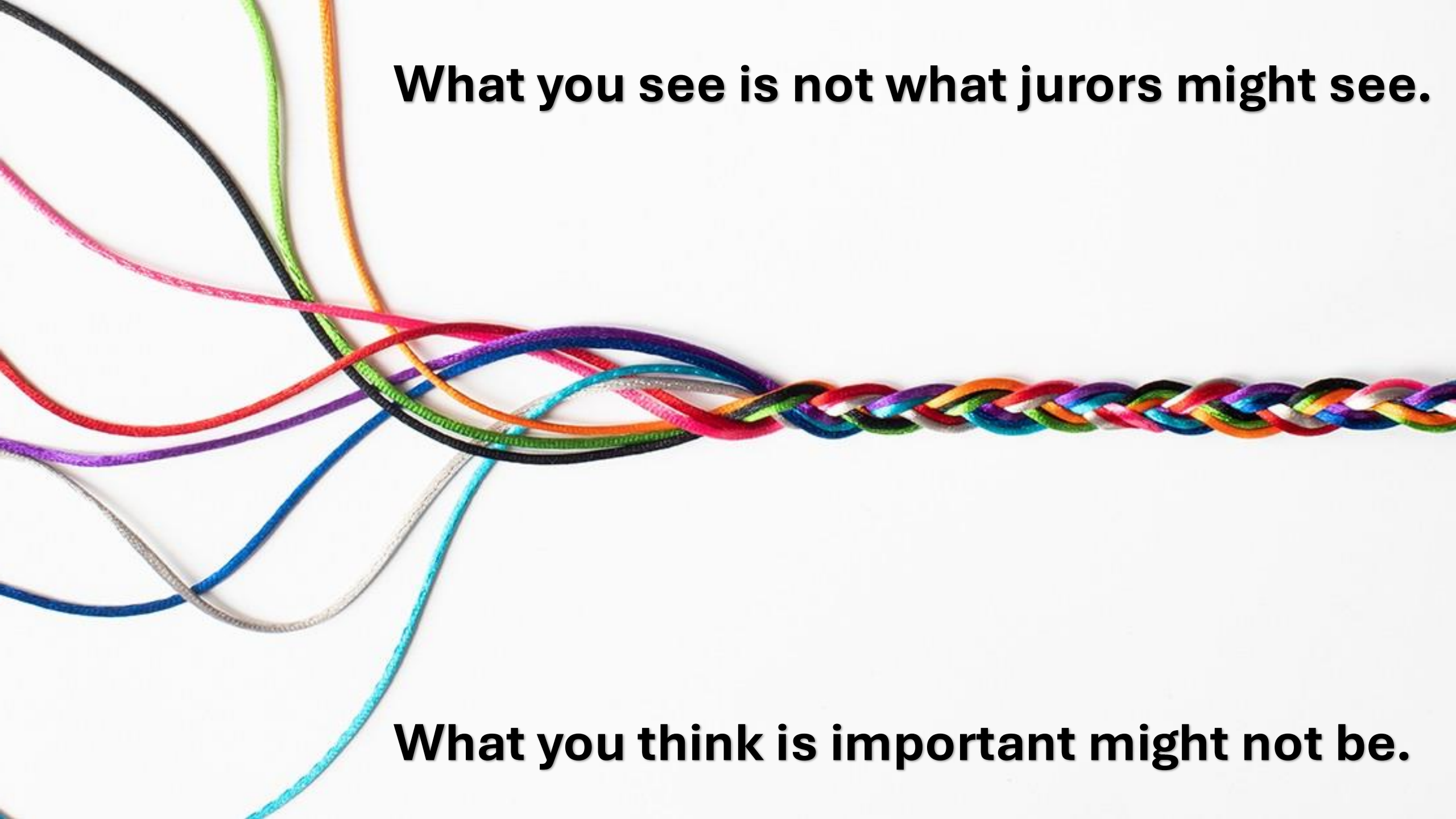
Most important: Confirmation Bias

Notice, trust & remember information that supports our pre-existing beliefs; dismiss the rest.

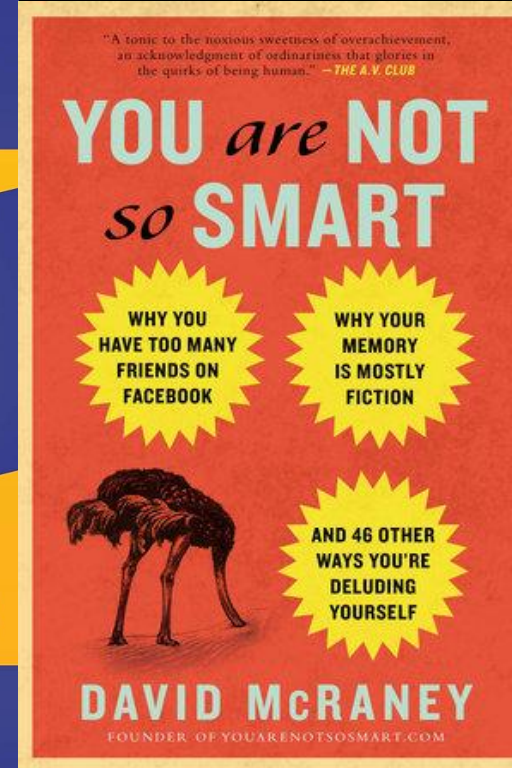
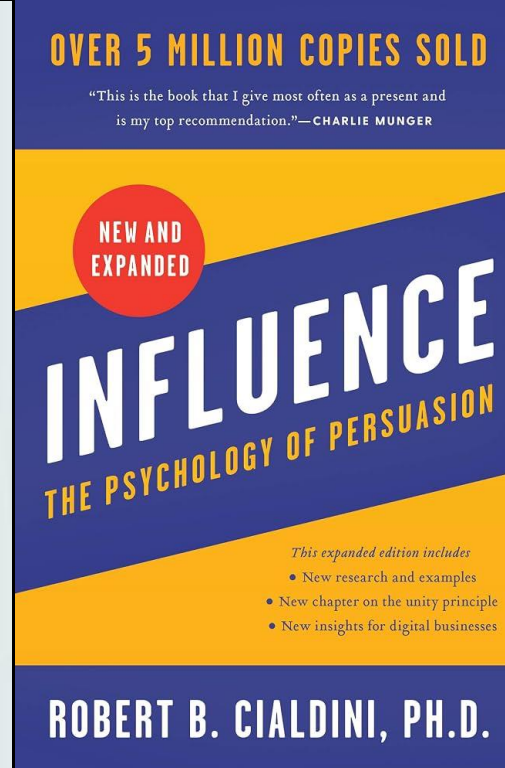
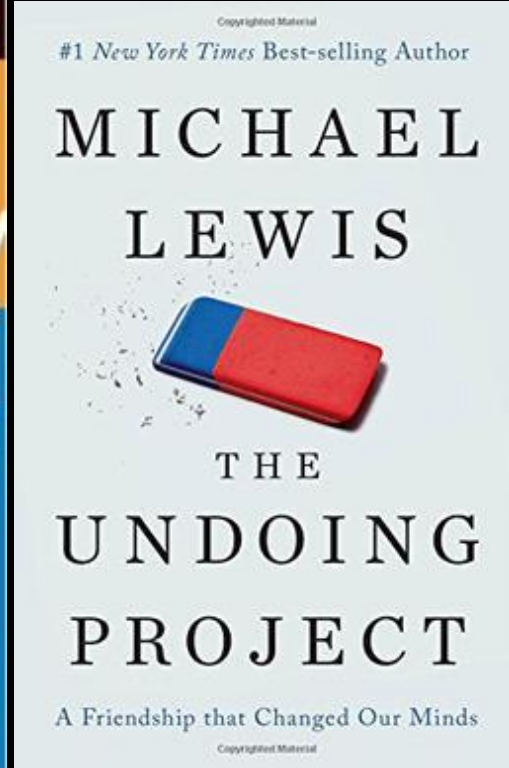
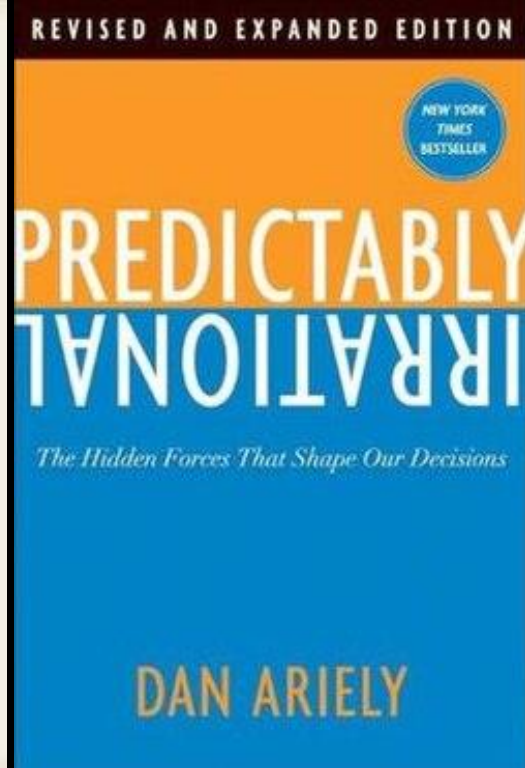
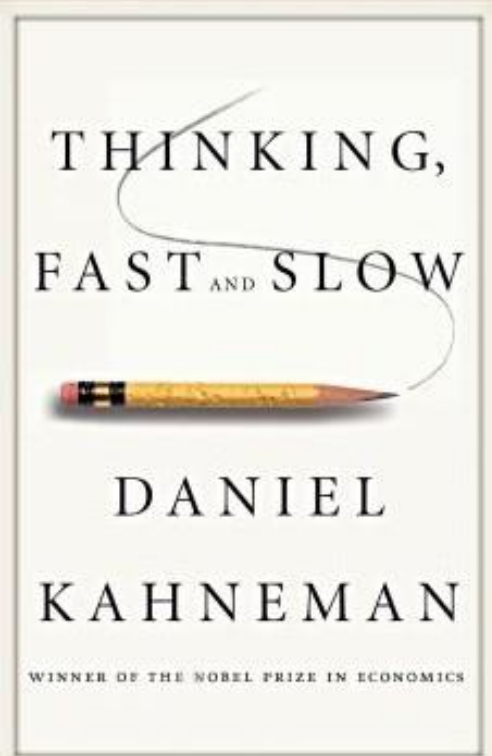
Can apply to your assessment of:

- Case
- Witnesses
- Photos/Documents, etc.,

What you see is not what jurors might see.



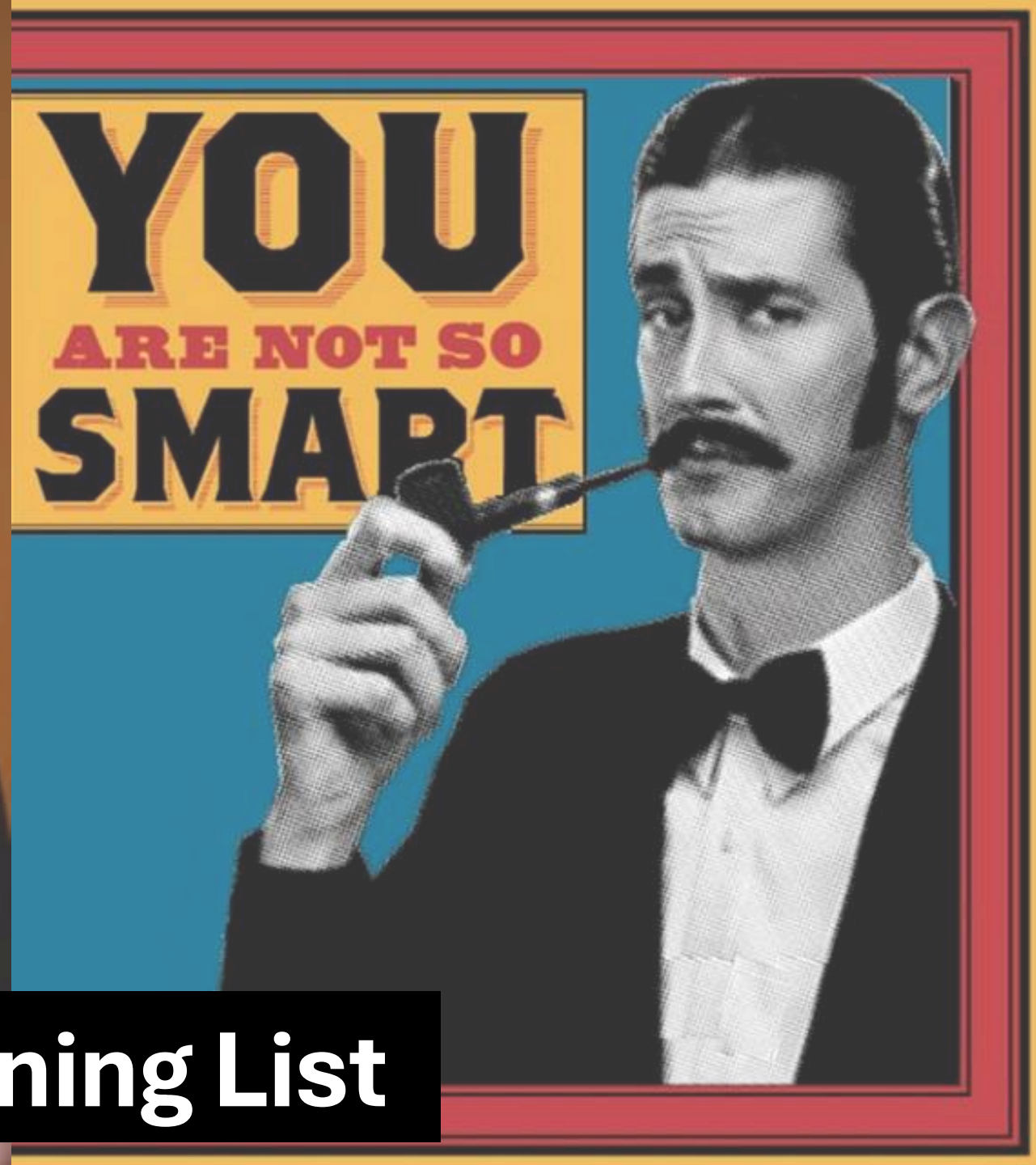
What you think is important might not be.



Reading List



**HIDDEN
BRAIN**



Listening List

WHY IS THIS IMPORTANT?

3 consequences for trial lawyers

**FRAMING
STARTS
EARLY**

**THEMES >
inventories**

**CLOSING =
Retrieval
Design**

CLOSING = Retrieval Design

ARM your persuaded jurors



TEACH and persuade the rest

CLOSING Roadmap

- 1 **JOB** – explain decision process
- 2 **RULES** – isolate controlling instructions
- 3 **PROOF** – select decisive evidence
- 4 **ANSWER** – apply law to facts
- 5 **VERDICT** – walk through form question by question

Example:

Diaz, et al.,

v

City of Sacramento

ACCOUNTABILITY

Your Job

**Determine Full Value of
What Has Been *Taken*
(*human life*)**

Stressing importance

ONE OPPORTUNITY FOR JUSTICE



**VERDICT FOR
ALL TIME**



Key Jury instructions:
groundwork laid in voir dire

**NO OUTSIDE
REASONS**





113. Bias/Prejudice Public Opinion

You must **not** let bias, prejudice, or public opinion influence your decision.

Your verdict must be based solely on the evidence presented.



100. Preliminary Admonitions

You must decide what the facts are in this case. **Do not let bias**, sympathy, prejudice, or public opinion influence your verdict.



5000. Duties of Jury

You **must** decide the facts based on the **evidence admitted** in this trial.

You must not let **bias, sympathy, prejudice, or public opinion** influence your decision.



5001. Insurance

You must not consider whether any of the parties in this case has insurance. The presence or absence of insurance is totally irrelevant.

You must decide this case based only on the law and the evidence.



117. Wealth of Parties

In reaching a verdict, you must not consider the wealth or poverty of any party.

The parties' wealth or poverty is not relevant to any of the issues you must decide.

Their job/verdict form

Your Job

**Determine Value of
human life**

Economic

Non-Economic

Verdict form – Economic

1. What are Juan Miguel Diaz and Violet Rodriguez's **economic** damages?

\$ 2,160,957 (If you find that Juan Carlos Rodriguez would have financially supported Juan Miguel Diaz and Violet Rodriguez until they reached the age of 18, you must award \$1,685,661. If you find that Juan Carlos Rodriguez would have financially supported Juan Miguel Diaz and Violet Rodriguez until they reached the age of 22, you must award \$2,160,957. You must choose one of these two figures.)

Loss of Carlos Rodriguez

Non-Economic Damages

Past

3+ Y

Today

FUTURE
42 Years



3921. Wrongful death

No fixed standard exists for deciding the amount of noneconomic damages. You must use your judgment to decide a reasonable amount based on the **evidence** and your **common sense**.

Loss of Carlos Rodriguez

Non-Economic Damages

Love

Companionship

Comfort

Care

Assistance

Protection

Affection

Society

Moral Support

Training

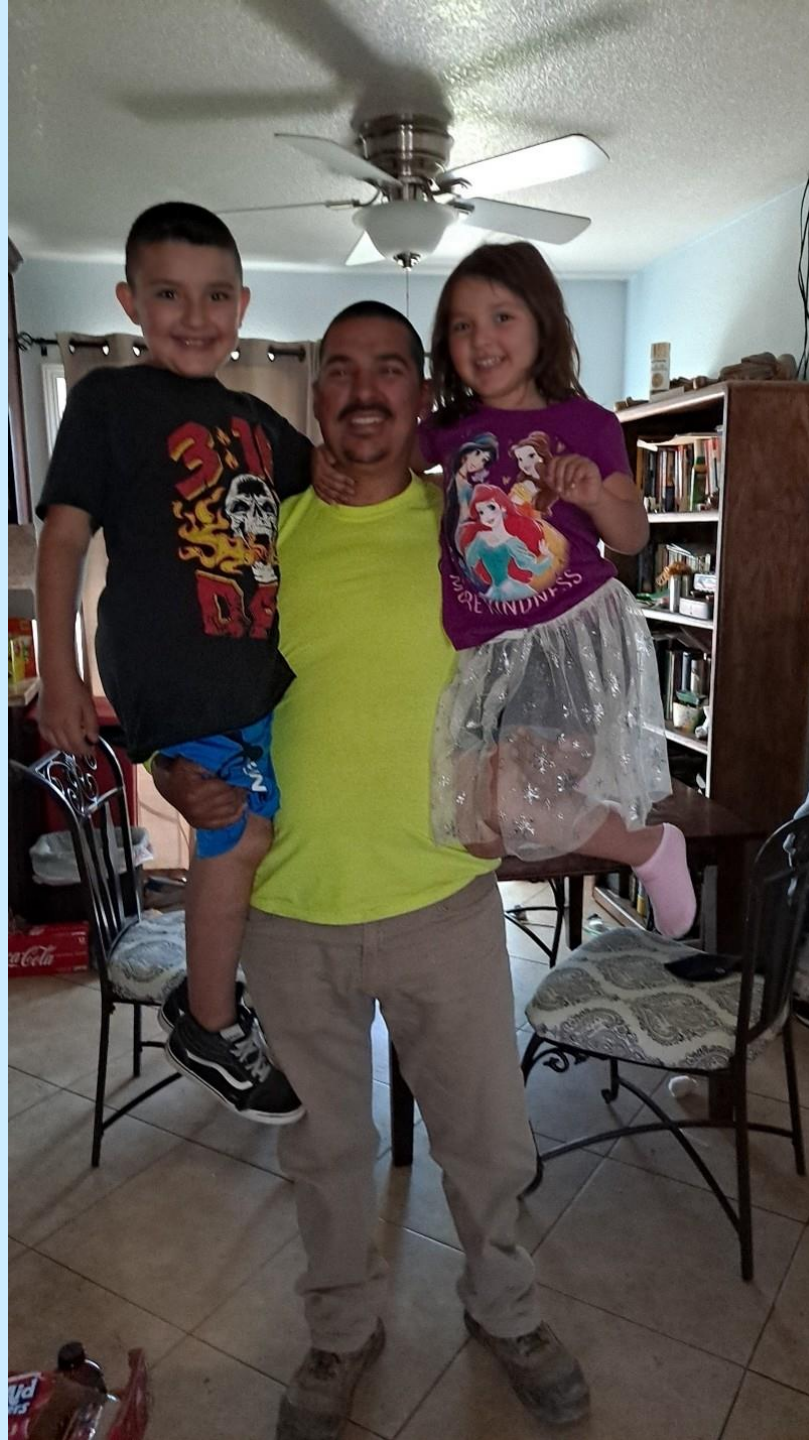
Guidance

3+ Y

Today

FUTURE

42 Years





Loving & Caring
Affectionate
Fun and full of joy
Full of life
Present/Available
Responsible/Provider
Respectful & Kind
Protective
Patient
Supportive/Encouraging
Disciplinarian
Structured
Proud

Companionship

Protection

Affection

Training

Care

Love

Comfort

Assistance

Guidance

Society

Moral Support

Loss of Carlos Rodriguez

Non-Economic Damages

Love

Companionship

Comfort

Care

Assistance

Protection

Affection

Society

Moral Support

Training

Guidance

3+ Y

Today

FUTURE

42 Years

Verdict form – Non-Economic

PAST

2. What are Juan Miguel Diaz and Violet Rodriguez's **non-economic** damages?

a. Juan Miguel Diaz's **Past** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ **5,346,000**

b. Violet Rodriguez's **Past** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ **5,346,000**

Verdict form – Non-Economic

FUTURE

2. What are Juan Miguel Diaz and Violet Rodriguez's **non-economic** damages?

c. Juan Miguel Diaz's **Future** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ _____

d. Violet Rodriguez's **Future** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ _____

Now → 18 19 → 25 26 → End

Childhood

Young Adult

Adult

Loss of Carlos Rodriguez

Non-Economic Damages

Love

Companionship

Comfort

Care

Assistance

Protection

Affection

Society

Moral Support

Training

Guidance

3+ Y

Today

FUTURE

42 Years

Now → 18 19 → 25 26 → End

Childhood

Young Adult

Adult

Verdict form – Non-Economic

FUTURE

2. What are Juan Miguel Diaz and Violet Rodriguez's **non-economic** damages?

c. Juan Miguel Diaz's **Future** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ 25,707,440

d. Violet Rodriguez's **Future** Loss of Juan Carlos Rodriguez's Love, Companionship, Comfort, Care, Assistance, Protection, Affection, Society, Moral Support, Training and Guidance:

\$ 25,707,440

ONLY 9 out of 12 need to agree
on each question.

It does not have to be the same 9 for
each question.



THANK YOU

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