

# Closing Arguments and the Verdict

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# Closing Arguments

- Why Close?
  - Not evidence
  - Jurors have made up their mind
  - Teach *your* jurors to advocate
- Rule 51
  - 30 minutes / ask judge
  - How much time do you really need?

# Closing Arguments

- Content
  - Speak in Forwards
  - Ammunition
    - Anti-bullying zone
    - If someone say ABC remind them of XYZ

# Closing Arguments

- Content (continued)
  - Animate - gesticulate
  - Key instructions
    - Translate
    - Apply
  - 5 points or less
    - Key points
    - *Minutia-free zone*

# Closing Arguments

- Content (continued)
  - Themes
    - “The wise are instructed by reason, average minds by experience, the stupid by necessity and the brute by instinct.” Cicero
  - *Instinct*
    - Patriotism – Cicero
    - Lie
    - Betrayal
    - Fear
    - Loneliness
  - Must mean more than the other side's points

# Verdict Form

- Instructions/Charge
  - Prepare them early
  - Charge conference
  - Must preserve objections after charge
- Verdict Form
  - Rule 49
  - Consistency
  - Control the verbiage

# Questions / Inconsistent Verdict

- Questions during deliberations
  - Don't request error
  - Mark for ID
- Hammer charge – if still deadlocked, hung jury
- Inconsistent verdict – don't sit on your rights
- Polling the jury

# Post Trial Motions

- Judgment
  - Enters after verdict/ruling on motion
  - Rule 54(b)- separate and final
- Motion for JNOV / New trial
  - Strict 10 day deadline for both
  - Notice of Appeal deadline runs from date of order
  - JNOV (Rule 50(b)) requires motion at close of opposing party's evidence and that no reasonable jury could have found against movant-If successful, judgment enters for your client
  - New Trial (Rule 59) requires some error or irregularity that resulted in an outcome against the clear weight of the evidence – if successful, new trial for your client



# Post Trial Motions

- Motion for Remittitur / Additur
  - Motion for reduction or increase in verdict
  - New trial unless non-movant agrees to the modified verdict
- Relief from Judgment / Order
  - Rule 60
  - Must be made within 1 year except as provided

# Questions