



Closing Arguments: Making A Winning Statement

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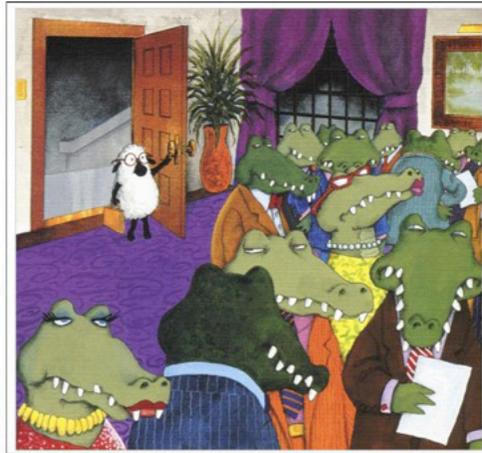
Closing Argument

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The Twin Pillars of Closing

- ▄ Credibility
- ▄ Conviction





Organization of Closing Argument

- Theme/ Theory
- Style and Presentation
 - Use of Language
 - Non-Verbal Communication
- Structure
 - The Grabber
 - Telling Your Story
 - Closing the Closing



The “Grabber”

- Don't Waste Time With a Civics Lecture
- 1 Minute - Capture The Jury's Attention
- State why your Client Wins the Case
- Defendants Must Defuse the Plaintiffs' Story
- Tell the Jury What you Want



Telling the Story

- Build the Story Around the Elements of your Case
- Emphasize your theme in the context of the Evidence
- Let the Evidence Tell the Story
- Keep it Simple - Focus On Key Testimony and Exhibits



The Law

- Don't Bury the Jury with Legalese
- Identify The Key Legal Issues and Legal Standards
 - Credibility
 - Fiduciary duty standard
 - Burden of proof
 - Damages

Verbal Communication

- Impact Words
- Voice Inflection
- Cadence/Pace



Non-Verbal Communication

- Personal Communication - Credibility Is Everything
- Physical Movement To Accent Transitions
 - Transitions
 - Demonstratives
- Eye Contact
- Silence





Exhibits

- || Use them every time
- || Limit to Important Points
- || Demonstrative Exhibits
 - || Quotes
 - || Time lines
 - || Graphics
 - || Jury Instructions
 - || Verdict Form



The Bad Stuff

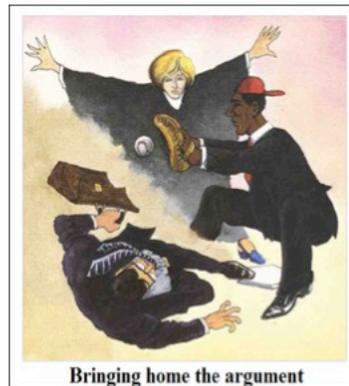
- || Don't Pretend It Doesn't Exist
- || Your Case Theory Must Account For It
 - || Explain how it fits in
 - || Embrace it and spin it
- || No causal connection to case
- || End on Up-tick

Damages

- Plaintiff Starts and Ends with It
- Defense Addresses Damages between Liability Arguments
- Offering an Alternative Number

Bringing it Home

- Credibility –
 - Eye contact – put down your notes
 - Talk to the jury
- Conviction –
 - End with a bang, not a whimper



About Hugh Gottschalk

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Hugh Gottschalk has handled a myriad of cases in his 30-year litigation career, including contract disputes, franchise matters, environmental torts, professional and product liability cases, and trade secret, patent, copyright, and trademark infringement cases. He employs his decades of litigation experience, accumulated knowledge, and science education background to effectively present complex and technical information at trial.

Hugh's experience in commercial litigation is particularly extensive. He has represented clients in numerous commercial disputes involving alleged breaches of contracts, fraud and misrepresentation, securities, franchise matters, and intellectual property infringements. Hugh has served as national or regional trial counsel to several large and well-known companies in industries as diverse as information technology, energy, manufacturing, and consumer and professional services.

In 2010, Hugh co-led the WTO team that managed the response to 418 dealer arbitration requests and the litigation of 187 of the Section 747 arbitrations for Chrysler Group. WTO was one of only two law firms in the country representing Chrysler in these matters. Over a four-month period, Hugh himself tried nine of these arbitrations and won eight of them.

Chambers USA, the international guide to America's leading business lawyers, describes Hugh as, "an excellent strategist and trial lawyer," and one of the top commercial litigation lawyers in Colorado. He has been selected by his peers for inclusion in the business litigation category in Colorado Super Lawyers since its inception in 2006 and has appeared multiple years in a row on its top 50 list. He has also been selected for inclusion in Benchmark Litigation, Chambers USA, Best Lawyers, Legal 500 U.S., and is an elected fellow of the American College of Trial Lawyers

Education

- University of Colorado School of Law, J.D., 1979 -- University of Colorado Law Review, Articles Editor
- Northwestern University, B.S., Biochemistry, 1975