

“The Importance of Grabbing Your Jury’s Attention During Opening Statement”

IF YOU DON’T GRAB THE JUROR’S ATTENTION, YOU MIGHT LOSE THEM!

By Elliott Wilcox

Before I tell you this story, there are two things you should know about me: First, I don’t watch *American Idol* or any other reality TV shows. Second, I’m not a big opera fan. (I’m not kidding. A few years ago, I took a date to the opera... 20 minutes into it, I fell asleep!)

With those two disclaimers in place, let me tell you about an email that a colleague sent me, and the lesson I learned about the importance of grabbing the jury’s attention during opening statement.

The email was from a colleague in the National Speakers Association who publishes a newsletter filled with various “rants” and lots of good information about internet marketing and prosperity consciousness. In this issue, he was ranting that people are too complacent in their lives and that they’re cheating themselves if they don’t indulge in some of the finer things in life. One of the finer things in life that he said I had to enjoy **immediately** was listening to a guy named “Paul Potts” sing.

I had no idea who Paul Potts was, but my curiosity was piqued, so I Googled his name and clicked on the first link that came up. The link

was for a YouTube video from *Britain’s Got Talent*. It depicts Paul as a quiet, unassuming, cell phone salesman, who wears an ill-fitting suit and admits that he doesn’t possess much self-confidence. As he walked onto the stage, one of the judges asked him, “What are you here for today, Paul?”

He sheepishly replied, “To sing opera.”

Keep in mind that this is the first round of a reality TV show and one of the judges on the show is Simon Cowell. (Even if you don’t watch any reality TV shows, you’ve gotta know who Simon is... He’s the mean one.) As Simon tells him, “Ok, ready when you are,” and the soundtrack starts to play, it seems obvious to me what’s about to happen. The looks on the judge’s faces and the audience’s faces confirm what I’m thinking: This poor guy is probably the world’s worst singer, and he’s about to be humiliated on national television.

But then something **amazing** happens. He opens his mouth and begins singing “Nessun Dorma” from Puccini’s *Turandot*:



Watch Paul Potts in action as he sings “Nessun Dorma,” and you’ll see a dynamic attention grabber

“You are battling for the jurors’ mind space. If you don’t give them a compelling reason to listen to you, something else *will* occupy their thoughts.”

*Nessun dorma, nessun dorma ...
Ma il mio mistero "chiuso in me,
Il nome mio nessun sapr", no, no...*

[English translation: "No one sleeps, no one sleeps... But my secret is hidden within me; My name no one shall know, no, no..."]

Keep in mind, I'm watching a YouTube video of a guy singing opera (ugh!) on a British reality TV show (double ugh!) Knowing a little bit about my background, you can imagine that I'm probably ready to close the browser. Instead, a huge smile is beaming across on my face, I'm turning the volume on my computer to its loudest level, and I'm rooting for this guy to win the entire competition. Moments earlier, I'd thought this was a joke video, but now, as he reaches "*All'alba vincer! Vincer! VINCER!*" ["At daybreak, I shall conquer! *I shall conquer! I SHALL CONQUER!*"] there's a lump in my throat and a strange wetness accumulating around the edges of my eyes. (I live in Florida, so it's probably the humidity... Or dust... or something like that, right?)

But don't take my word for it. Take a break for a second and check it out:

<http://www.youtube.com/v/1k08yxu57NA>

Welcome back! Pretty inspiring, wasn't it? But do you know what? I never would have watched the entire video or passed it along to you if he hadn't captured my attention with the first verse. If he hadn't been so compelling in the first few seconds that he sang, I probably would have turned it off. **The same principle applies to your jurors during opening statement...** No matter how amazing the content of your statement may be, and no matter how important your case may be, if you don't capture the jurors' attention in the first moments of your opening, they may not pay full attention (or *any* attention) to what you have to say.

You want to grab their attention within the first 15-20 seconds and give them a compelling reason to listen to your case. Don't squander this opportunity by wasting their time telling them how a trial works, re-introducing yourself, or thanking them for their time. During the entire trial, the jurors will *never* be more interested in what you have to say than during these first few moments of your opening statement. Yet how many times have you heard attorneys waste the first moments of their opening statement with empty phrases like these:

- "This is what we lawyers call an opening statement..."
- "I appreciate the time and the attention that I know you will devote to this case today..."
- "Opening statement is our chance to tell you what the evidence will show..."
- "Hi, my name is [Your Name] and it's my honor to represent [Insert Client Name Here] ..."
- "An opening statement is like a roadmap..."
- "Jury service is an honorable tradition and I want to thank you for taking time out of your busy schedules to serve on this jury..."
- "Opening statement is my chance to show you how the pieces of the puzzle fit together..."
- "What I say is not evidence..."

(Did any of these phrases sound familiar?)

Do any of those statements grab your attention? Do any of them compel you to listen to the case? Do they persuade you to find for their client? The last phrase in the list is the worst: "What I say is not evidence..." Sheesh, why not just say, "Don't pay any attention to what I'm saying, because what I say doesn't matter!"

On the video, Paul grabs your attention within 20 seconds of Simon telling him, "Ok, ready when you are." He leaves you with no choice but to

listen to the rest of the song. Could you imagine if he'd wasted those first few moments by telling you about why he wanted to sing opera, or how an opera is conducted, or thanking you for listening to him? You would have shut off the video and done something else. Instead, he basically said, "Pay attention! This is gonna be worth listening to!"

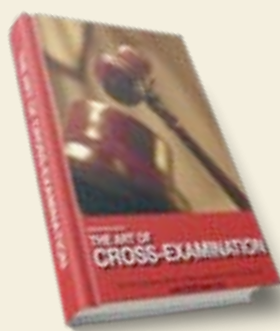
You need to do the same thing in your opening statement. Your jurors' minds are filled with a wide variety of competing thoughts, so make no mistake about it: You are battling for their mind space. If you don't give them a compelling reason to listen to you, something else *will* occupy their thoughts. (Maybe even your *opponent's* version of events). But if, instead, you make sure that the first words out of your mouth say something *significant*, you can be

guaranteed that "*Nessun Dorma Durante Il Tuo Apertura.*" [English translation: "Nobody sleeps during your opening."]

[Editor's note: If you've already got your copy of *The Complete Trial Lawyer Success System*, turn to page 97 for 7 different ways to guarantee that the very first words of your opening grab the jurors' attention and get them listening to you.] ■

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