

# “Are Making Enough Eye Contact With Your Jurors During Opening Statement?”

JURORS CAN'T LOOK YOU IN THE EYES IF YOU'RE BURIED IN YOUR NOTES

By Elliott Wilcox

The fewer obstructions between you and your jurors, the more persuasive you will be. Yet many trial lawyers purposely place an obstacle between themselves and their jurors. That obstacle? Their notes.

Here's the slippery slope your notes create: The more notes you bring with you to the lectern, the more you will depend upon them. The more you depend on your notes, the less eye contact you will have with your jurors. The less eye contact you have with the jurors, the less persuasive you will be.

Rather than bring copious notes to the lectern, try to bring no more than a one page outline with you. Write out the main bullet points of your arguments, rather than word-for-word arguments, and you'll force yourself to spend more time talking with your jury. Your goal is to use an outline, not a script. It's okay to read quotations, it's okay to read snippets of testimony, but please, don't read your argument!

Here are a few tips you can use to minimize the amount of notes you bring to the lectern:

**Use visual aids instead of an outline.** If you use posters or computer images to help the jury follow your closing argument, you can embed your notes directly into your presentation. Let's say you have three posters for closing argument, one for each of the three elements you need to prove. You can use the posters to remind you what point you should argue next.

**Add secret messages on your flipchart.** If you are using a flipchart, you can write notes to yourself on the flipchart. If you write the notes in pencil, your jurors will never see your notes. You can quickly glance at your handwritten note while explaining the flipchart to the jury, and they'll never know you're reading from your notes.

**Use Presentation Mode in PowerPoint.** In presentation mode, your laptop projects images onto two different monitors: the projection screen and your laptop monitor. The jury only sees the images projected on the big screen.

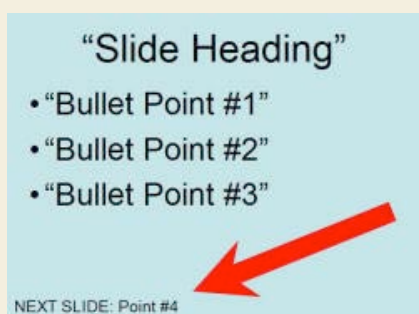


*Look at the jury, not at your notes!*

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You, however, see a completely different image on your laptop screen. On that screen, you can type in whatever reminders you need, so you appear to be presenting without benefit of notes.

**Embed secret images into your PowerPoint slides.** You can also add secret to your PowerPoint slides. In the bottom left hand corner of your slide, create a text box and type a few bullet points. Use a simple font like Arial, and change the font size to 8 points. At that size, most jurors won't even see the text. Their eyes will be focused on your larger text, and won't look down at your hidden message.



**Use bullet points.** Rather than use an entire script of notes, condense your arguments to single bullet points. Try to use fewer than 7 words to describe each of your argument points. With only a few words written for each point, you'll be forced to take your eyes off the paper and look at your jurors.

No matter which technique you use, endeavor to become less dependent upon your notes. Eliminate the barriers between you and your jurors, and you'll make more frequent eye contact with your jurors. The more eye contact you make with them, the more persuasive you'll be. ■

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