

**Note:** The following checklist is excerpted with permission from Michael J. Hogan, “Opening Statement,” chapter 4 of Eric L. Andrews et al., [Wisconsin Trial Practice](#) (3d ed. 2013-14). For a thorough analysis of each step, including applicable cross-references, please see the discussions in that chapter.

***Checklist: Effective Opening Statements***

- Develop the theory of the case.
- Open with the theme and revisit it later.
- Tell a story. Keep it simple.
- Use plain English, not legalese.
- Speak with confidence, honesty, and sincerity.
- Practice and time the statement. Do not overtax the jury’s attention.
- Allow the facts to speak to the merits of the case.
- Present the evidence persuasively, but avoid argument.
- Deprive opposing counsel of opportunities to object. Objections break the flow of the statement.
- Acknowledge the weaknesses of the case (if appropriate under the circumstances).
- Avoid long, detailed recitations of legal principles.
- Never promise more than you can deliver.