

# Theory of the Case

# What is the Theory of the Case?

The story of “what really happened” from your client’s point of view.

# Requirements for a Sound Theory

- Must be a clear, simple story, explaining what happened and why it happened.
- Must be consistent with the credible admissible evidence (includes undisputed facts and your version of disputed facts).
- Must be consistent with the law (why you should win or why your opponent should lose if they have burden of proof).
- Must be consistent with the jury's perception of how the world works.

# Jury's Perception

- Universal beliefs, proverbs, slogans, sayings universally known.

## Examples

Slow and steady \_\_\_\_\_.

Haste makes \_\_\_\_\_.

A stitch in time saves \_\_\_\_\_.

Nothing to fear but \_\_\_\_\_.

Keep calm and \_\_\_\_\_.

- Memorable

# Jury's Perceptions

## Core Values

- You get what you \_\_\_\_\_.
- You are only as good as your \_\_\_\_\_.
- Good things come to those who \_\_\_\_\_.
- Virtue is its own \_\_\_\_\_.
- The meek shall \_\_\_\_\_.
- Cheaters never \_\_\_\_\_.
- Money is the root of all \_\_\_\_\_.

# How to Develop Your Theory?

- As early as possible.
- May change as facts are discovered.
- Research law.
- Develop by using chronologies, proof charts (case analysis chart).
- Identify action words, memorable quotes.

## Grandma Test