LAW CLASS
How Courts Work

Steps in a Trial

Opening Statements

The purpose of opening statements by each side is to tell jurors something about the case they will be hearing. The opening statements must be confined to facts that will be proved by the evidence, and cannot be argumentative.

The trial begins with the opening statement of the party with the burden of proof. This is the party that brought the case to court--the government in a criminal prosecution or the plaintiff in a civil case--and has to prove its case in order to prevail. The defense lawyer follows with his or her opening statement. In some states, the defense may reserve its opening statement until the end of the plaintiff's or government's case. Either lawyer may choose not to present an opening statement.

In a criminal trial, the burden of proof rests with the government, which must prove beyond a reasonable doubt that the defendant is guilty. The defendant does not need to prove his or her innocence--the burden is on the government. In a civil trial, the plaintiff has the burden of proof, and generally must prove liability by a preponderance of the evidence (i.e., the greater weight of the evidence.) The degree of proof required in a civil case is far less stringent than in a criminal case. Once again, the defendant does not have to prove that he or she is not liable.