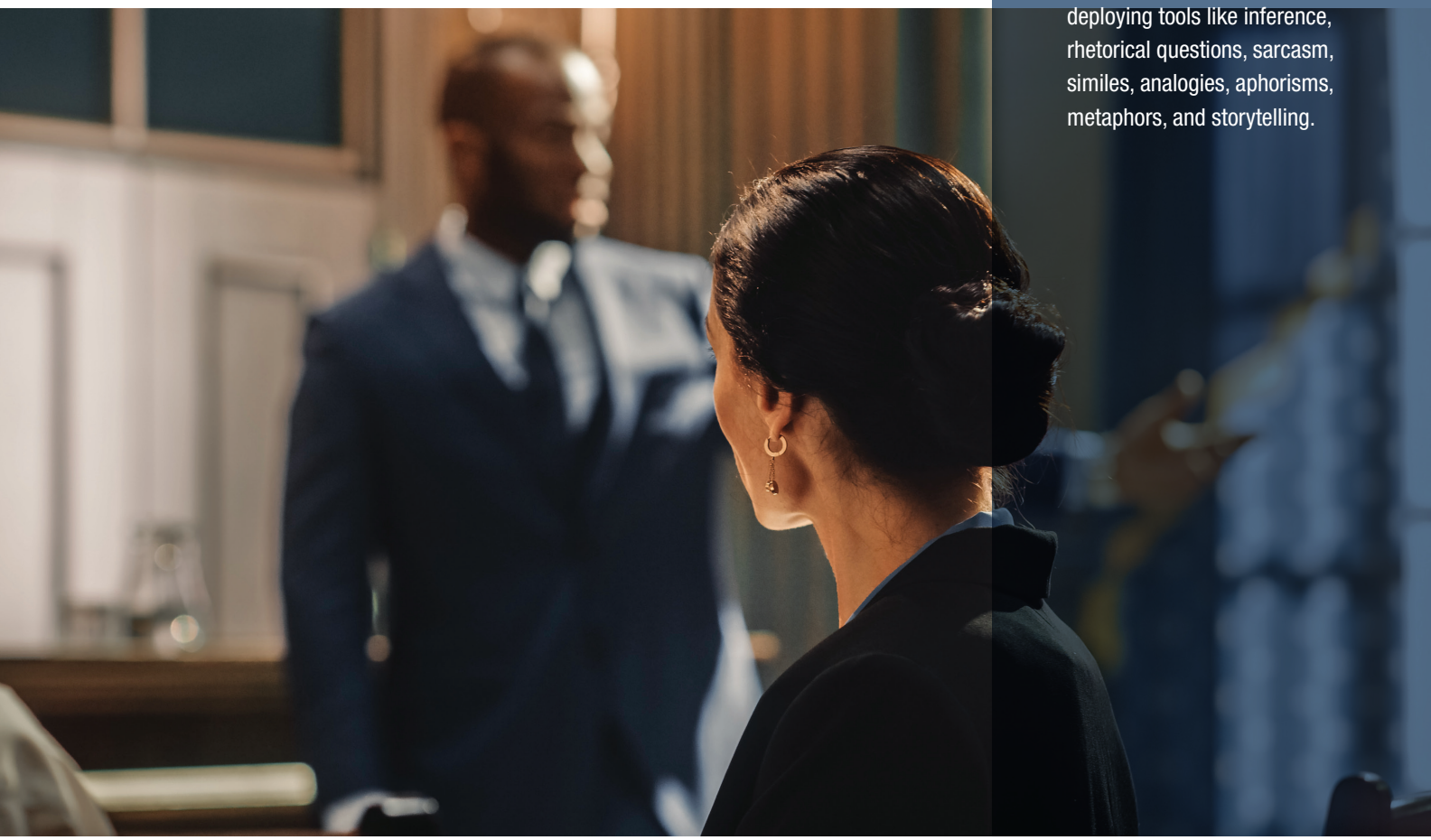
Part Five of a five-part series.

What I Learned From Teaching Trial Advocacy:
The Closing Argument

TAKEAWAYS >>

- The goal of a closing argument is to help members of the jury determine: 1) the meaning and significance of the facts and evidence they have heard; and 2) who is right and who is wrong.
- The persuasiveness of an attorney's closing argument often is built upon a refined theory of the case, a carefully constructed theme, and a thoughtful framing of issues.
- When drafting your closing argument, consider deploying tools like inference, rhetorical questions, sarcasm, similes, analogies, aphorisms, metaphors, and storytelling.



BY GINO DiVITO

ISBA RESOURCES >>

- Benjamin R. Lawson, *Trial Lessons From Comedians*, 111 Ill. B.J. 36 (Aug. 2023), law.isba.org/3PaewVE.
- ISBA Free On-Demand CLE, *Eight Things Every Trial Lawyer Should Know* (recorded Apr. 2020), law.isba.org/46DTKnV.
- Kimberly A. Davis, *How to Give an Effective Closing Argument*, ISBA Quick Takes for Your Practice (recorded May 2016), law.isba.org/48mU8r9.

CLOSING ARGUMENTS POSSESS A UNIQUE STATUS WITHIN TRIAL ADVOCACY. They occupy the climactic arguments in books, plays, movies, stories, and real trials. But persuasion does not magically occur based on the power of closing arguments. If you haven't done the job of persuasion from the opening gun—if, during the other parts of trial, jurors haven't accompanied you on the road toward victory—persuasion is unlikely to result from your closing arguments.

Nonetheless, closing arguments deservedly earn the mystique they generate. Unlike the other phases of trial, they present your first and only opportunity to openly argue your case. Until then, arguments have not been permitted to accompany all the previous facts (pro and con), storytelling, imagery, and questions and answers. Everything previously furnished to the jurors has led to this final opportunity to explicitly tell them why you should win.

Your premise in every trial should be that every juror strives to do justice. When jurors feel they have achieved that goal, they are likely to share their experience with relatives and friends, eager to tell them about the case and how they came to the correct decision. Your task in closing arguments is to facilitate their making the right decision and to enable them to be proud of the correctness of their verdict(s).

To make that happen, let's discuss what you're able to do in closing arguments—the specific arguments that are not permitted during the other phases of trial.

Overview

In closing arguments, you should not merely regurgitate the facts. Jurors have already heard the facts and, if you did it well, they have experienced them. Your goal is to help the jury to determine the meaning and significance of the facts—of the testimonial evidence they heard and the real, documentary, and demonstrative exhibits they reviewed.

Being a reporter of the facts was your role in opening statements. But in closing arguments, your role is more akin to that of editors and commentators—those who persuade without providing the universe of underlying facts but by emphasizing the meaning of significant facts and their logical consequences. At this stage, jurors who surely know the facts may be inclined to vote a certain way. Your task is to secure or to alter their decision through compelling arguments. It's to give them reasons for taking pride in reaching the right result—your result.

You need to tell jurors why your version is more credible than your opponent's; why to believe your witnesses and to disbelieve your opponent's. You need to tell them about the logic of your positions and the absurdity of your opponent's positions; about the proper conclusions to be drawn from the evidence from your side and the unsound positions of your opponent's side. Unlike the other stages of a trial, closing arguments are designed for explicit arguments concerning who is right and who is wrong, who should win and who should lose—and why jurors should reach those conclusions.

Applying the modes of persuasion

If you've succeeded in applying Aristotle's admonitions from opening statements through witness examination, you laid the groundwork leading to persuasion (see parts Two and Three of this series). Closing arguments

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WHERE ATTORNEYS WITH GOOD CHARACTER, COMPETENCE, AND CONVICTION ARGUED MATTERS ABOUT WHICH I HAD A CONTRARY INCLINATION, I WOULD WONDER WHAT THEY HAD SEEN THAT I MAY HAVE MISSED. I WOULD THEREFORE PAUSE TO CAREFULLY RECONSIDER MY LEANINGS.

now allow you to put those traits on full display through arguments not permitted previously. That difference presents a final application of Aristotle's modes of persuasion. Your trustworthiness based on your good character (ethos); your competence in displaying professionalism, knowledge, reasonableness, and logic (logos); and your personal conviction concerning the rightness of your cause and the invocation of appropriate emotions (pathos) together present a final and greater manifestation of Aristotle's modes of persuasion.

From my experience as a trial judge, I know the effect those traits had on me in arguments on motions, rulings, and bench-trial findings. Where attorneys with good character, competence, and conviction argued matters about which I had a contrary inclination, I would wonder what they had seen that I may have missed. I would therefore pause to carefully reconsider my leanings. On the other hand, when attorneys lacked one or more of those traits—particularly when they seemed to lack conviction by just going through the motions—previous inclinations did not require reconsideration.

Regarding the power of pathos, I invariably discussed with my students the Pygmalion effect. In ancient Greece, Pygmalion was the king of Cyprus who falls in love with an ivory sculpture he made of a beautiful woman. Overcome with love for his sculpture, he begs the goddess Aphrodite to breathe life into her. She grants his wish, and he marries her. The Pygmalion effect is a metaphor for your need to express such conviction in your case that, if the jury does not grant your request, you will die. If the jurors trust you and like you, they will not want you to die.

Pathos is so important in arguments because, even if you display ethos and logos, no one will believe you if you don't convey personal conviction about the rightness of your cause. To convey again the importance of pathos, I would encourage my students to think about what turned them on and how they expressed it. For me, what really turned me on was the "s" word. It was truly one of the things I enjoyed most. No, not the "s" word you may be thinking of. I was referring to skiing.

Skiing is a great analogy for life. The goal is not to get to the top or the bottom of the mountain. The goal is to ski, to magically navigate in snow—especially in deep powder—with two boards clamped to your boots, and to enjoy and share the challenges of the black diamond and the double-black diamond runs and the runs through the trees, the majesty of the mountain, and all the joyful experiences with those you love.

I learned much from skiing. One lesson was that absolutely perfect conditions can suddenly become very harsh. Sleet and snow create unacceptable conditions, including freezing cold, inability to see beyond a few feet, and general disorientation. When those conditions unexpectantly occurred, my family and I had an understanding: We would stop for lunch. It was always amazing how resting and being replenished by food with people you love resulted in our ability to venture out again—sometimes in the same harsh conditions we had left—and how skiing was again endurable and enjoyable.

I share my passion for skiing to illustrate how you express pathos, but also as a model for how to embrace life. Relatives and friends and the need to stop

Random Thoughts on Closing Arguments

• **Using visual and electronic aids** is always a plus in a trial and is especially so in closing arguments, as you combine your explanation about various matters with their significance. Using and explaining real and demonstrative exhibits, diagrams, photos, videos, and recordings are enhanced by explanations of their significance. Using a chalkboard or some other version of a writing tool can help the jury to understand matters. For example, using a chalkboard may aid the jury in understanding the various bases for money demands by visually providing the reason for each cause of action and for calculating the total amount of damages. Such a visual will remain before the jury while opposing counsel argues—unless counsel takes the deliberate step of putting it out of view. But be cautious about using such a demonstration; opposing counsel may use it to ridicule your conclusions and even use it to delete or alter portions of what you wrote.

• **Never make *ad hominem* attacks on opposing counsel.** Such attacks may be deemed unfair by jurors and are likely to draw objections that are certain to be sustained. Opposing counsel is not your enemy and should not draw your enmity. Your focus, if you're attacking a party opponent or an adverse witness, should always be on why that person or entity is deserving of scorn.

• **Read the notes** you've taken before giving closing arguments. I was always amazed to find forgotten information in notes—information that was helpful in discussing with the jury what a witness or opposing counsel had said.

• **You should not read notes to the jury.** Have notes available to discuss areas of discussion and to recall relevant occurrences, names, dates, and places. Use common words and phrases in closing arguments, rather than fancy words that require you to rely on your notes. Speaking from the heart is more effective than having to rely on notes to convey your message.

for lunch are key to successful lawyering and all of life, especially in tolerating inevitable losses and other difficulties.

As stressed previously, never do anything that might appear artificial, especially regarding pathos. An example involving a defense attorney in a criminal case occurred in my courtroom. The attorney was passionately giving his closing arguments, but when he started discussing the testimony of various prosecution witnesses, especially police officers, his anger was evident. It kept growing, until his anger reached such a crescendo of rage that he took his reading glasses—which he plainly needed to periodically review notes—and threw them against the jury box. An awesome display of conviction! But after he concluded his arguments, the prosecutor, who was to give rebuttal arguments, approached the broken glasses, picked them up, placed them on defense counsel's table, turned to the jury and said, "Don't worry about the glasses. It was probably the fourth pair of Walgreens reading glasses he broke this year." I don't recall the charges against the defendant, nor the sentence he received.

Theory of the case

In every trial, each side must have at least one plausible theory of the case. But an ultimate theory is frequently replaced by focus on some aspect of that theory. For an obvious example, the prosecutor alleges the defendant is a murderer; the defense attorney contends the defendant is not guilty. The focus of each may be considered each party's theory of the case. But there are invariable offshoots for these basic theories. And an offshoot soon becomes the major focus of the theory of the case. For example, the ultimate theory for each side in the murder case may concern: whether, for any reason, a witness could or could not correctly identify the defendant as the offender; or whether the prosecution or defense witnesses had reason to lie; or whether the defendant had a credible alibi; or whether the defendant acted in self-defense; or whether the defendant acted properly but excessively, such as in applying a choke-hold; or whether the defendant was insane or otherwise not responsible for committing the crime.

The ultimate theory, though not specifically articulated early on, should be evident from opening statements right through closing arguments. When closing arguments occur, that theory will be the primary focus of the case for both sides.

In any argument, expressing the issue in simple and credible terms sets the stage for each side to have their arguments clearly conveyed and understood while simultaneously attacking the other side's arguments. But before explicit arguments are allowed in closing arguments, each side, being aware of its own and the opposing side's theory, must endeavor to focus on the facts—pro and con—that should ultimately lead to persuasion.

To illustrate, a multitude of examples apply to the current debate over abortion:

> Is abortion about a woman's right to choose to control her own body or killing a fetus or a human being? Or is it about the right to choose abortion for any reason or that no right exists for any reason? Or is it about choosing abortion for any reason or the right solely based on the health of the mother, rape, or incest? Or is it about abortion for a specific period of time versus for a lesser period of time? Or is it about an abortion at any time, including up to childbirth versus only for a designated period of time?

Perhaps you will note that the current national debate on abortion is generally about the first issue provided above: the broad right for and against abortion. But at the state level, where citizens and lawmakers are currently voting, most debates are focused on one of the other issues—a stance designed to garner votes by staking an appropriate middle ground. The takeaway for trials, and for any argument, is that your statement of the issue should be one that is fair, more reasonable, and has greater appeal than your opponent's position.

Another example of relying on conflicting theories of the case is the true story of the 1999 custody dispute involving Elián González. That case involved the gut-wrenching, international dispute involving a father's right to have his six-year-old son reside with him in Cuba versus the right of custody for

UNLIKE THE OTHER STAGES OF A TRIAL, CLOSING ARGUMENTS ARE DESIGNED FOR EXPLICIT ARGUMENTS CONCERNING WHO IS RIGHT AND WHO IS WRONG, WHO SHOULD WIN AND WHO SHOULD LOSE—AND WHY JURORS SHOULD REACH THOSE CONCLUSIONS.

Cuban-American relatives of the surviving son of a mother who drowned while trying to get herself and her son out of Cuba and to the USA, before their small boat was swamped at sea, with Elián, who was in an inner tube, having been rescued a few miles off the Florida coast. (Spoiler alert: In March 2023, 29-year-old Elián González was elected to communist Cuba's National Assembly in a slate of 470 unopposed candidates.)

A few other examples:

- Is the death penalty about killing a person or the ultimate demonstration of the sanctity of life?
- Is incarceration about every prisoner having the opportunity for freedom or some prisoners never being released because of the nature of their crimes?
- Is the overriding consideration in a defamation case about First Amendment rights or a tarnished reputation?
- Should public-sector union employees have the right to strike or should they be denied such a right?

As the above examples illustrate, winning the case is highly dependent on the theory of the case (or at least the way the theories are expressed); theories that lawmakers and jurors regularly confront; and the outcome of which may be dependent on political leanings, religious beliefs, or other considerations. The examples may also suggest the possibility of slipping into framing an issue to win the argument, as discussed below, where political leanings

or other considerations may determine a desired outcome.

Importance of a theme

Though not as essential as a good theory, a theme that resonates with everyone can be vital, for it provides universal truth that supports why your theory of facts and law is correct and why you should win.

For example, if the driver of a car was intoxicated, the plaintiff will surely emphasize the universal agreement that drunk drivers cannot choose to drive a car and must be responsible for their actions and for the damages they cause. In a bicycle-messenger case, the plaintiff(s) will likely focus on the corporate employer of the bicycle messenger stressing speed over care, and not requiring strict adherence to traffic laws.

In discussing Russia's invasion of Ukraine, the relevant current theme is: "Putin's unjustified random killings of innocent and defenseless people and the total destruction of an entire sovereign nation cannot be tolerated." Examples of other current themes include:

- "Inmates should not run the asylum."
- "Government officials elected as representatives of the people must act transparently."
- "We must narrow the unacceptable gaps that separate officials elected to serve us."
- "Can we tolerate leading candidates of our nation's two major political parties lacking credibility, competence, and meaningful conviction about their goals?"

Note that themes may be stated as an expression of fact or as a rhetorical question.

Framing the issue

A close relative of the theory of the case, but more powerful, is winning by simply framing the issue in the case. This argument prevails for countless reasons, especially for what is widely meaningful for most of us. Examples include: the general appeal to universal values, such as those based on our Constitution; what is considered right and just; and what is considered logical and reasonable. They include what may have positive or negative effects on people, on the economy, on jobs, on our boarders, on homelessness, on our freedoms, on our democratic republic, on government power. Ultimately, winning by framing the issue works where there is general agreement on universal values.

I offer as an example of this argument the two following paragraphs of my 10-page opposition for the Illinois Prisoner Parole Board's consideration of the parole effort of George Clifford Knights, one of the murderers of the two Chicago "walk and talk" police officers at Cabrini Green in 1970:

> There is an old and reliable adage that "proper framing of an issue wins the argument." Knights' statement of the issue in pursuit of parole freedom can be framed—based either on his individual reasons or in combination with all his justifications—as follows: "Knights should be granted parole because: he is innocent, the evidence shows he is innocent, he is old, he has served more than 50 years in prison, and he is a role model and guide for fellow prisoners."
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> The correct framing of the issue, however, is: "Knights should not be granted parole because: he is guilty of randomly killing two uniformed police officers just because of their status as police officers; the evidence at trial undeniably proves his guilt and the appellate court agreed; his persistent insistence that he is not guilty establishes that he is not repentant and cannot be trusted, so he should not be paroled because of his age or the time he has been imprisoned; and he cannot be a role model and guide for others because of the inconsistencies between his current sworn petition to attain parole and his sworn testimony during his trial—both of which are false and even conflicting—and because of his more-than-half-a-century of mendacity concerning the very reason he is imprisoned."

In "1984," George Orwell pointed out the power of words and language to control thoughts and to control or empower people. We are now regularly confronted by various interest groups trying to eliminate or alter words to achieve certain goals.

In trials, it's important to appreciate the power of words in order to use them appropriately and to be aware of their use by opposing counsel. You need to appreciate the power of how words and language are used to win an argument—for use either in your favor or to counter their use by opposing counsel. The following examples describe various ways words are used in trials.

Using jury instructions. The admonition to prepare jury instructions before beginning trial has absolute validity, because they require both parties to focus on the elements necessary to prove the cause(s) of action and the rules generally applicable. Using jury instructions during closing arguments, however, serves two additional purposes: 1) helping the jury to understand and apply difficult instructions; and 2) receiving the judge's imprimatur when the instructions are read aloud by the judge in the courtroom and provided for the jury's review during deliberations. In a criminal case, for example, a prosecutor's explanation to the jurors of the meaning and application of instructions for accountability or the felony-murder rule results in the judge later quoting the prosecutor and thereby giving the stamp of approval on the prosecutor's explanation.

Rhetorical devices

Rhetorical devices provide arguments that aid in demonstrating truth or falsehood. There are numerous examples of such devices. They are permissible and useful for clarifying arguments. A few are offered as representative examples.

Inferences. If X happened, then Y logically followed. For example:

- When you slept, the ground outdoors was dry. When you awoke, there were four inches of snow on the ground. You know it snowed even though you didn't see one drop of snowfall.
- After midnight, you see a man carrying items that were later identified as from a nearby store. He is running a short distance from the store, where there's a broken window and the sound of a burglar alarm. You know he was running because he broke the window and took items from the store, even though no one saw him do those things.

Note that inferences often are the bases for *circumstantial evidence*, which is

frequently more reliable than eyewitness testimony. You should argue that fact while arguing the significance of the inferences in your case.

Rhetorical questions. A friend once told me that one day he was standing in his sixth-grade gym class when a classmate came up behind him and pulled down his shorts, revealing to the whole class—boys and girls—parts of his body that should not have been displayed. He said, from the moment he turned to look at the boy responsible, he would never forget his face. "Members of the jury, do you think Jane Doe will ever forget the face of the man who raped her?"

Sarcasm. Abraham Lincoln is said to have asked the question, "If you call a calf's tail a leg, how many legs does a calf have?" When the response was five, Lincoln said, "No, a calf has four legs. Calling a calf's tail a leg doesn't make it one." "Members of the jury, just because Mr. Doe testified that it was so doesn't make it so, just as calling a calf's tail a leg doesn't mean a calf has five legs."

Similes. The truth is like a torch: The more you shake it, the brighter it glows. And when I cross-examined this witness, you saw how his torch quickly turned into embers. Or calling this thief a bad business man is like calling a pirate a bad sailor.

Analogies. Crypto currency is the equivalent of the Wild West. Another example:

> One day, while roughhousing in the living room with my brothers and sister, our mother's favorite vase fell to the floor and cracked in a number of places. As the oldest sibling and the person most responsible for the damage, I carefully glued and taped the pieces together so that it looked perfectly fine to everyone, including our mother. That lasted until the day mom put flowers in the vase and poured water into it. Needless to say, the vase couldn't hold water. And, members of the jury, if you look carefully at the witness's testimony, you'll find all the cracks that won't hold together, just like the vase that couldn't hold water. Let's consider each of those cracks.

Aphorisms. "It ain't over 'till it's over." "We made too many wrong mistakes." "You can observe a lot just by watching," and a treasure trove of so many others from Yogi Berra. And other treasures from Will Rogers:

- "We will never have true civilization until we have learned to recognize the rights of others."
- "The only difference between death and taxes is that death doesn't get worse every time Congress meets."
- "I don't make jokes. I just watch the government and report the facts."
- "You've got to go out on a limb sometimes because that's where the fruit is."

Metaphors. In life as in sports, victories are celebrated and losses are tolerated only by those who love and respect the game. So, enjoy the game. (A great metaphor for trial lawyers.)

Storytelling in closing arguments

If a picture is worth a thousand words, a story is worth a whole book. Telling stories that lead to a relevant point are permissible in closing arguments. They frequently provide interest and entertainment with an effective punchline. R. Eugene Pincham's sugar story is a prime example. Pincham was a criminal defense attorney for many years. He then served as a trial judge and later as an Illinois appellate court justice. When he retired from the judiciary, he again defended those charged with crime and, until his death, he also had a significant civil practice.

In criminal cases, Pincham included substantially the same story to a jury in virtually every closing argument. He would begin by saying he had grown up poor in Alabama, on a small farm that didn't produce much. Because there was no refrigeration to preserve food, his family bought ice and immersed wrapped or bucketed food in a cold creek. To preserve what grew on their meager farm for longer periods, they purchased sugar, an expensive necessity for preserving certain types of food. They would buy a single barrel of sugar and keep it in the farm's small meat house.

Because of its expense, their mother had a strict rule for her two sons: They were not to take sugar from the barrel without her approval. But Pincham and his brother loved sugar. They used it in drinks and to sweeten food. Their mother's rule didn't matter; they wanted sugar so much they couldn't help themselves. But whenever they took sugar from the barrel, their mother knew it. And she would tell them to search the farm for a switch so she could give them a good whipping. If they brought her a switch that was too small, she would send them to look for another. But she never caused real injury or wounds or bruising, and she never drew blood.

Pincham and his brother couldn't figure out how their mother always knew they had been in the sugar barrel. They would approach the barrel and look closely at the sugar. They would carefully study and remember how the sugar looked in that barrel. Then, after satisfying their sugar needs, they would very carefully ensure that the sugar looked the same as they had found it. But, somehow, their mother always knew when they had been in the sugar, and she punished them every time. Amazingly, she never punished them when they didn't touch the sugar.

Many years later, Pincham learned his mother's secret. On a Christmas day, with his family at his mother's home, while she was enjoying her rocking chair with one of his young children on each leg, he asked her how she became clairvoyant. She seemed puzzled, and asked what he meant. He reminded her of her ability to know when he and his brother were in the sugar barrel and when they were not. He was sure she had a sixth sense. She burst into laughter, and denied she was clairvoyant. He asked how, then, did she know he and his brother were in the sugar. Through her laughter, she explained that, when they were in the sugar barrel, no matter how careful they were, no matter what precautions they took, they always left a few tiny granules of sugar on the floor. So, when she approached the barrel, she could feel the granules under her feet. And, when she checked, she could see those very tiny granules. That's how she knew they were in the sugar.

Pincham then said, "Folks, you heard what the state's witnesses told you. If you consider carefully what they said, you'll know they've been in the sugar. If all their granules of sugar were here in this courtroom, there would be a huge pile of

sugar right here before you on the floor. Let me tell you about the granules of sugar those witnesses left on the floor—the inconsistencies, the lies, the inadequate evidence. Let's together consider those sugar granules."

On the surface, Pincham's story was about witness lies and inadequate evidence. He skillfully used metaphor to compare forbidden sugar with misbehavior and lies. But his story was much more than that connection. He perfectly satisfied Aristotle's modes of persuasion. Consistent with ethos, logos, and pathos, he spoke directly to every juror. He used understandable words and language. He created real images. He told jurors an interesting story, had them wondering where he was going, and presented a satisfying and relevant climax. He created compelling images of his early poverty, of the bond with his brother, of the wisdom and the many attributes and the love of his mother, and a hint of his own family that included at least two children. And he presented the reality of an unprivileged boy who became a lawyer who could transfix a jury.

His story is a model for every trial lawyer. But his story presents other lessons. One is the need to learn as much as possible about opposing counsel, especially concerning the attorney's tendencies, with special focus on closing arguments. That's so because attorneys tend to be fond of stories and other devices that have worked successfully in the past. When you discover such a tendency, especially a powerful one, you must consider how to deal with it.

That's what I did in preparing for the prosecution involving Pincham's defense of one of the two defendants on trial for killing two walk-and-talk Cabrini-Green police officers, referred to previously. I had much earlier endured Pincham's sugar story in a jury trial—fortunately, one that ended satisfactorily. In his closing arguments in that trial, his mother's big reveal occurred on a train to Springfield, after he had graduated from Northwestern Law School. They were on the train for his swearing-in admission to practice law. Anticipating the pending trial with Pincham, I attended his closing arguments in another case. It featured his sugar story, altered with the later reveal on what occurred on a Christmas Day, and which led to a winning result.

When the Cabrini-Green closing arguments began after six weeks of trial (including Saturdays), I had the initial opportunity to address the jury. During my arguments, I said to the jury:

> Have you experienced that when you use sugar for coffee or tea, or to sweeten cereal, no matter how careful you are, some tiny granules of sugar spill from your spoon onto the kitchen table? Have you noticed that, though you may not be aware of it, you know the sugar is on the table, because you can feel it under your fingers?
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> Members of the jury, you might not have been aware of the lies of the defense witnesses, but let me tell you how you know those witnesses were in the sugar bowl. Let me tell you how you can feel those granules of sugar that the defense witnesses have tried to hide.
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> When I glanced at Pincham, it was obvious he was not happy. Nonetheless, he told a different story that included the meager farm and his mother and brother. I can't recall the story he told, except that it involved his brother and him sucking on some sort of weed on the farm. It was very confusing and didn't have anything close to Aristotle's three modes of persuasion and the punch of the original story. And his closing arguments were much shorter than usual.

Epilogue

On their last day of class, the students were to demonstrate all they had learned in conducting a total moot court jury trial—one with classmates and friends and relatives as jurors, and with real volunteer judges who would grade their performances. These were my final remarks to the students in the class before their trials:

> My youngest daughter—the one I thought would be a lawyer, but who is now a physician—and I went to Popeye's Chicken for lunch one Saturday afternoon when she was a high school freshman, before she became a vegetarian. As we ate, she said, "You know, Dad, I really blew it when I was young." Puzzled, I asked what she meant. She told me how she and her best friend would compete on who had the best drawings and the best crayons. She always won the battle for best crayons, but she valued them so much that she would never press hard on them. The result was that all her crayons were in like-new condition, and her drawings and colorings were dull and lifeless.
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> She said, "I now know that crayons are made for coloring, and that you have to press hard on them." When I regained composure from near-fainting, I recognized she had confirmed what I already knew: not only that she was very special, but that she could separate the important from the trivial.

Inspired by her revelation, my final message to my students was:

> My hope for all of you is that, whether you go on to try cases, or do any other type of lawyering, or do anything far removed from lawyering, you use all your crayons and press so hard on them that there's nothing left but stubs. So that, wherever you go and whatever you do, you'll leave a legacy of vibrant colors, and a lifetime of joy for yourself and everyone you touch.

For everyone who endured this series, that is my fervent hope for each of you. IBJ

This is the final part of a five-part series that has appeared in the Illinois Journal from October 2023 to February 2024. For all five parts, visit law.isba.org/3TxtJD2.