

Authors' Introduction to 2025 Edition

The first edition of *Opening Statements: Winning in the Beginning by Winning the Beginning*, published in 2003, highlighted the then increasing importance of creating a compelling story for your trial.

This book's theme remains "*you can win in the beginning by winning the beginning.*" I advocate in writing and teach advocates in the training programs that I direct that winning in the beginning is possible if the advocate learns and implements the principles of persuasion science, the foundation of winning advocacy and the starting point in creating powerful, winning beginnings. Human beings have always looked for the easiest and the quickest way out of an uncomfortable situation. Making decisions quickly is necessary to keep our sanity. After all, psychologists tell us that we make 35,000 decisions each day. That is why people, especially, people under stress and in a hurry, use heuristics, short cuts, to make decisions—and then move on. Dr. Daniel Kahneman, the world's foremost expert on getting it wrong, teaches us that our heuristic short cuts are influenced by cognitive biases. Unless we are aware of these subtle, silent processes, most will fall prey to error, confusion, skewed thinking and, Kahneman says, most of us will get it wrong!

The most significant responsibility of a courtroom jurors is the responsibility placed on them to decide who is liable, who is wrong, who should pay? This year's new chapter—Chapter 26, *Combating Hindsight Bias in the Beginning: Recreating the Moment*—discusses the very real problem of hindsight bias, the almost impossible to resist the tendency to say, "I knew it would happen that way, so that defendant should have known it too." The defense side of a case must acknowledge and deal with hindsight bias from the perspective of the jurors. The plaintiff side of the case must work hard to persuade the jury that calling it the way it is, is not succumbing to the bias, but rather making the judgment that the defendant (most often) made a very bad choice and

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must take responsibility for it. The new chapter, hopefully, provides guidance to the working trial bar on how to neutralize and use this profound bias, especially to win in the beginning.

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