

Trial Skills for Child Welfare Cases: Developing a Successful Case Theme and Theory

SUPREME COURT OF TEXAS CHILDREN'S COMMISSION

FEBRUARY 20, 2026



Theme

Theme is why you should prevail

- It has moral force.
- It is a moral that you can believe in.
- It is universal.
- It is what your story is about.
- It is the story that you want the trier of fact (judge or jury) to remember.



Theory

Theory is how you prevail

- It is logical.
- It is built on facts.
 - Undisputed facts
 - Provable facts
- It satisfies the legal elements or disproves the legal elements.



Developing the Theme

- What is your client's case about?
- What is the opposing parties' case about?
- How do these polar positions interact?
- Why does your client prevail?
 - Because your position is just.
 - It creates a persuasive force.
 - It leads to one conclusion.



Developing the Theme, cont.

Summarize your theme in a single sentence, and consider utilizing universal themes:

- Redemption
- Justice
- Family
- Government overreach
- Doing what is best for the child



Developing the Theory

- More than the theme, because “love conquers all” is not enough.
- Applicability of the law.
- How does your client prevail?
- Know the legal elements.
- Identify the evidence that proves or disproves an element.
- Reduce your theory to one paragraph.
 - You should be able to state your theme in one sentence.



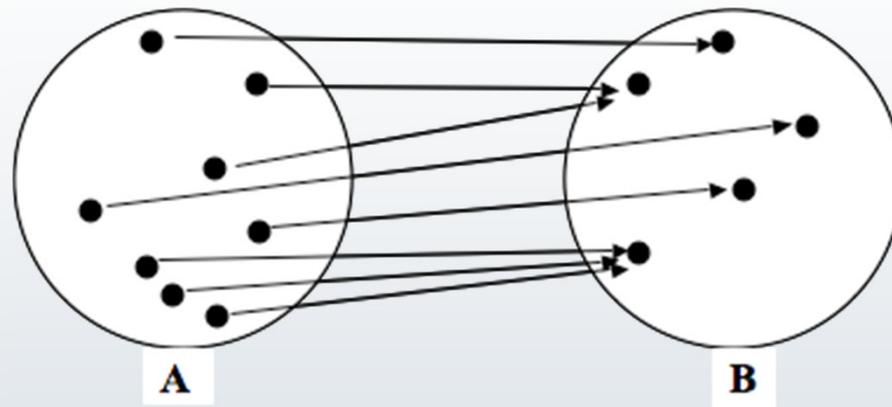
Theme vs. Theory



Theme Applies to Moral Force



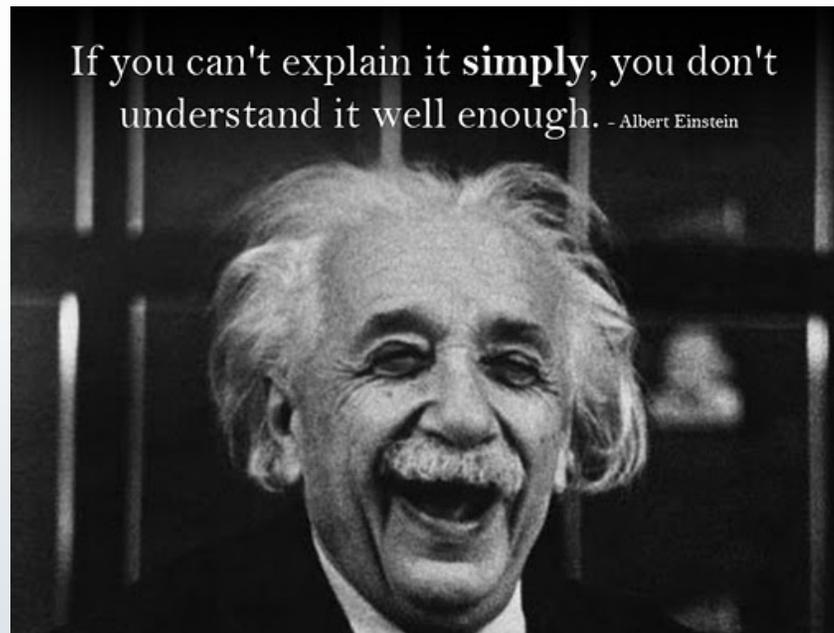
Theme vs. Theory, cont.



Theory Applies to Logic



Theme vs. Theory, cont.



Keep It Simple; Make It Understandable



Theme and Theory – Why Does this Matter?

- Assists in jury selection (in jury cases).
- Assists in crafting an engaging opening statement and powerful closing argument.
- Defines the heart of your case.
- Assists in mapping out the case.
 - Pretrial Motions and Discovery
 - Trial Presentation



Questions

Rob Galvin, TBLS

Rob Galvin, P.C.

Email: Rob@GalvinLaw.com

Michele Surratt

Managing Attorney, DFPS Region 9

Email: Michele.Surratt@dfps.texas.gov



Thank You!

Contact cctraining@txcourts.gov for MCLE self-reporting information.

