

THREE OBJECTIVES FOR CROSS EXAMINATION

1. Bring out facts helpful to your side.
2. Attack or limit parts of the W's testimony.
3. Attack the W himself.



1: Helpful Facts

1. Emphasize facts W testified about on Direct Examination.
2. Bring out new facts.
3. Neutral / Non-Confrontational way / Pleasant attitude



2: Attack Specific Parts of W's Testimony



1. Weaknesses in W's perception or memory.
2. Prior Inconsistent Statements that contradict W's Direct-Examination testimony.

3: Attack the W

1. Bias, Interest, and Motive.
2. Admissible prior conviction.
3. Prior bad act probative of truthfulness.
4. Counsel's attitude should reflect attitude you want jurors to adopt.



RULES FOR CROSS-EXAMINATION

- Do not attack every adverse W.
- Start cross-examination with attention grabber; no fillers.
- Two best points should be at beginning and end of cross-examination.
- Only cross on points that will impact important elements of your case.

RULES FOR CROSS-EXAMINATION

- Stay within your theme.
- Cross should be simple and realistic.
- Arrange points for maximum impact.
- Make your point with the W and move on.
- Don't ask one question too many.

LANGUAGE ON CROSS-EXAMINATION

- Control the W with leading questions.
Counsel testifies, W ratifies.
- Adjust your tone and attitude accordingly.
- Use simple nouns and verbs; avoid adverbs and adjectives.

LANGUAGE ON CROSS-EXAMINATION

- Avoid characterizations and conclusions.
Argue during closing.
- Avoid complex vocabulary and structure.
 (“Sign” K vs. “Execute” K)
- Repetition can be useful to reinforce an important point.