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

- 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

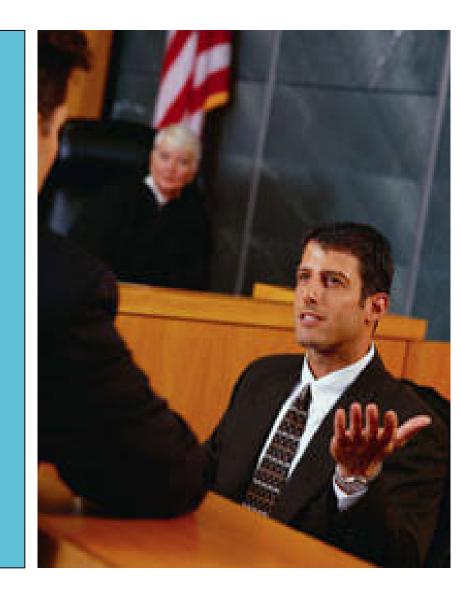


1. Weaknesses in W's perception or memory.

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.