



Direct and Cross Examination of Company Witness

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Great Opportunity

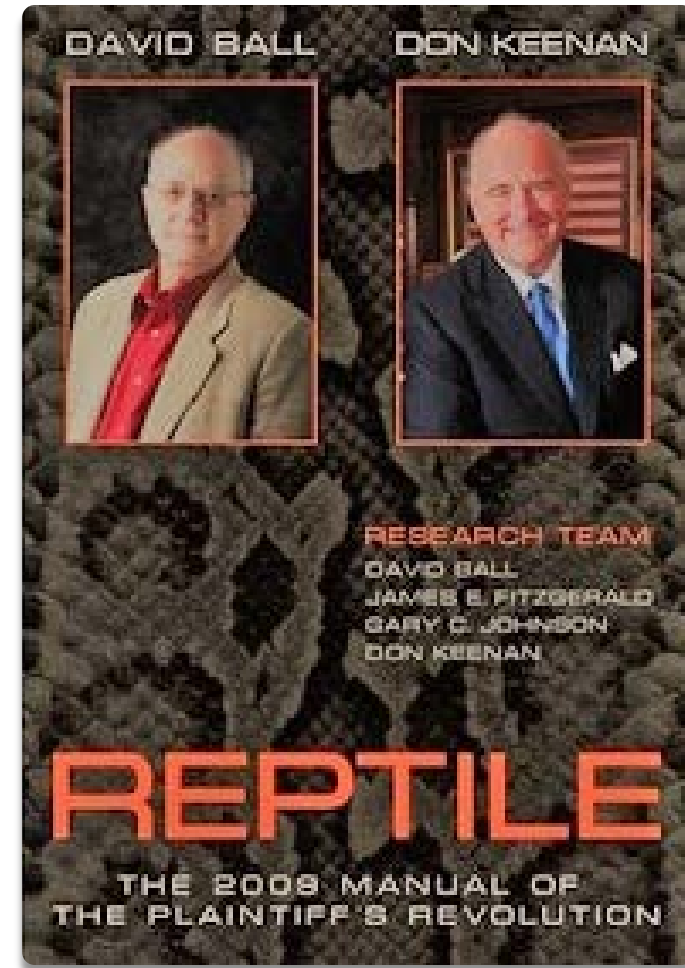
- ▶ Demonstrate the good conduct of the company.
- ▶ Deliver on promise to provide evidence
- ▶ Strengthen technical defenses relating to the product

Great Risks

- ▶ Company admissions- long term damage in repetitive litigation
 - ▶ Present company admissions
 - ▶ Past company admissions
- ▶ Limitless cross examination available
- ▶ Aggressive cross examination tactics (Reptile theory)

Reptile: The 2009 Manual of the Plaintiff's Revolution

David Ball and Don
Keenan



Reptile Questions

- ▶ **General Question-** Shouldn't the corporation always strive for safety first in the manufacturing of its products?
- ▶ **" If/then" Question-** If you put safety first, then the risk of injury goes down, true?
- ▶ **Case Specific admission-** Wouldn't you agree that you failed in your job to put safety first in this case?

Practical Tips

- ▶ Prepare, prepare, prepare.
- ▶ Limit scope of examination.
- ▶ Divide topics/witnesses limit responsibility
- ▶ Inoculate the witness- deal with the warts.