

DIRECT EXAMINATION

INTRODUCTION

- “Please introduce yourself to the ladies and gentlemen and tell them about yourself.”
- Teaser: “Are you here to tell us about an automobile accident you saw on May 5th of last year? Before we get to that, let’s find out about you.”

ORGANIZATION

- ACCREDIT
- SET SCENE
- ACTION
- FILL IN DETAIL

ORGANIZATION

- Usually chronological, may be by topic
- Primacy and recency—begin and end big
- Give a clear structure to the fact finder:
 - Lead in question
 - Head noting

PACE

- Keep an interesting pace
- Slow down when it comes to dramatic or critical parts of the story
- Use pace to convey the appropriate mood

PERSUASION

- Let the witness tell the story—non-leading questions
- General to the specific
- Conversational in tone
- Ordinary language
- Interrupt long answers
- Torture key points
- Focus on facts, not conclusions
- Use detail for credibility, not tedium

PERSUASION

- Use simple, one fact questions
- Use connectives and looping back: “After you stepped out of the car, what did you do next?”
- Use voice for interest and emphasis
- Maintain eye contact with the witness
- Avoid reading and reliance on notes
- Use exhibits when appropriate
- Anticipate cross examination

PREPARATION

- Outline organization
- Translate into an outline with broad topics
- Avoid writing out questions