CROSS EXAMINATION

GOALS

- Admissions that support your witnesses and case theory
- Limiting the direct
- Discrediting the witness
- Attacking the witness's testimony

PREPARATION

- Complete mastery of the facts
- Know points you want to make in advance
- Make sure your points are consistent with your case theory
- Make only "BIG" points
- Outline cross—do not write out questions
- Listen to the direct

ORGANIZATION

- Pursue admissions before discrediting
- Organize by topic
- Don't repeat direct
- Don't set up straw men
- Start big and end big
- Draw blood early

DELIVERY

- LEAD, LEAD, LEAD
- Never ask an open ended question
- Fact questions—not conclusions, opinions or subjective facts
- One fact at a time
- Simple language
- Short questions
- Build bit by bit

DELIVERY

- Torture facts
- Use head notes to help jury follow
- Be brief

CONTROL

- Tone/demeanor
- Pace
- Clearly leading
- Repeat question—"Perhaps I did not make my question clear" or "That's not the question I asked you"
- "Your answer is yes"
- "Ma'am, would you please answer my question before you dodge something?"

CONTROL

- Interrupt
- Don't answer witness's questions
- Listen—make sure the question is answered
- Asking for judge's help—last resort
- BUT CROSS EXAMINATION DOES NOT MEAN BEING CROSS

STYLE

- Voice
- Eye contact
- Gestures
- Movement