

DIRECT EXAMINATION

PREPARATION

- Outline organization
- Translate into an outline with broad topics
- Use outline—may write out questions as part of preparation, but use an outline for the actual direct—writing out questions helps you imagine how it will flow

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, but may be by topic
- Primacy and recency—begin and end big

ORGANIZATION

- See your case theory
- Anticipate cross examination

MAKE IT EASY TO FOLLOW

- Conversational in tone
- Ordinary language
- Interrupt long answers
- Give a clear structure to the fact finder:
 - Lead in question
 - Headnoting

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
- Torture key points
- Focus on facts, not conclusions
- Use detail for credibility, not tedium
- Use exhibits when appropriate

QUESTIONS

- Start with the general and proceed to the specific
- Use non-leading questions
- Fill in detail with more narrow questions
- Use simple, one fact questions
- Use connectives and looping back: "After you stepped out of the car, what did you do next?"

STYLE & VOICE

- Use voice for interest and emphasis
- Maintain eye contact with the witness
- Avoid reading and reliance on notes
