

HOW TO ASK CROSS EXAMINATION QUESTIONS:

- Prepare
- Anticipate
- Think Out
- Don't be surprised – 90% of trial should unfold as anticipated
- Cross examine only to elicit information you need to support your closing argument
- Know when to **STOP** – Don't ask the one question too many

10 COMMANDMENTS OF CROSS-EXAMINATION:

1. **Be Brief** – short and succinct
 - Every time you get up in court, you can blow it
 - Every case is complicated to jury and jury can only remember so much
 - Make no more than 2 or 3 points about a witness' credibility
2. Short questions, plain words, use simple language
 - Words understood by the jury
3. Leading questions only!!
 - Control witness testimony
4. Never ask a question to which you do not know the answer
 - If you don't know the answer, don't ask
(Must reasonably know answer)
5. Don't quarrel with witness
 - When you argue with witness, you don't control him or her

6. Don't let witness merely repeat direct testimony
 - Avoid repetition of direct
 - Don't "clear up direct exam"

7. Don't let witness explain
 - When witness says something inconsistent with anything, leave it and don't allow explanation – save it for Closing

8. Listen to witness' answer

9. Avoid one question too many
 - Go up to line and **STOP**

10. Save the argument for Closing
 - Extension of cross examination to "make a point" can be turned against you