YOUR WITNESS, PLEASE! HOW NOT TO MESS UP A CROSS-EXAMINATION

MARKIYAN KLIUCHKOVSKYI, PARTNER EPAP UKRAINE 3 NOVEMBER 2017



"New Trends" and "Hot Topics"

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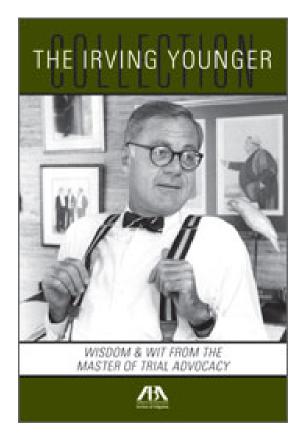
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Getting Back To Basics





"a lawyer who partly resembled a Shakespearean actor and partly a stand-up comic: in a grainy voice, with his arms flailing, and his fingers jabbing the air, Mr. Younger exhorted would-be lawyers about proper courtroom etiquette and effective advocacy, spicing the task with compelling trial tales and humorous anecdotes"

The New York Times, March 15, 1988



"But Mr. Younger was best known for his sharp wit and theatrics in the courtroom and had **the rare forensic ability to destroy an opponent's witness with a few quick questions**."

The New York Times, March 15, 1988

Irving Younger's

Ten Commandments of Cross Examination

(ABA Annual Meeting, Montreal, Canada, August of 1975)

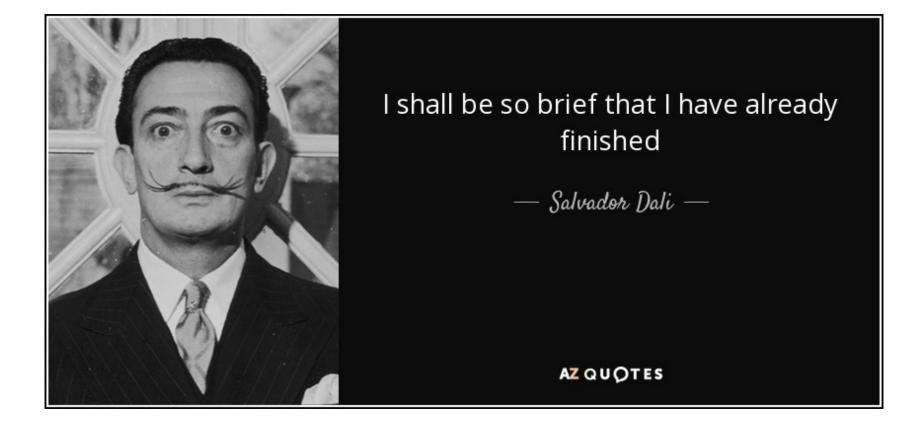
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1. Be Brief

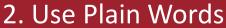






2. Use Plain Words

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THE COMPLETE PlainWords

BY

SIR ERNEST GOWERS

Containing The ABC of

Plain Words

A sweetly reasonable and wholly admirable guide. The Times

The advice which he gives is neither jocular nor patronising. It is sound advice. Spectator

A brilliant pamphlet. New Statesman & Nation

The Stationery Office must have enjoyed publishing this book. It is great fun to read. The Economist This little book, like its predecessor, is a delight, a classic of its kind. John o'London's Weekly

Plain Words

Admirable, provocative and official. The Times ... is itself a model of how plain words should be used.

Daily Telegraph The zeal with which Sir Ernest uncovers error is matched only by the wit with which he chastises and corrects it. Evening Standard

g this book. It is great The Economist rearranged and revised

A guide and reference book to the use of English for official and other purposes

7s. 6d. net

It has never been out of print

500,000 copies sold in 1948-1954

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"So you saw it happen while you were operating a vehicle en route to you place of employment?"

or

"So you saw it when you were driving to work?"

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3. Use Only Leading Questions





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4. Be Prepared

a.k.a. Know Everything. Backwards.

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Unless your name is Google stop acting like you know everything. w.facebook.com/jokes014

5. (Watch and) Listen

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Pay attention to the cracks, because that's where the light gets in.

Leonard Cohen

(quotefancy

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6. Do Not Quarrel







7. Avoid Repetition (of the Direct)

Repetition is the mother of all learning. Repetition is the mother of all learning

8. Do Not Allow Witness Explanation

8. Do Not Allow Explanation



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9. Limit Questioning

a.k.a. the "One Too Many" Rule



What anecdote would you like me to tell you?

a) The "Speeding" cross b) The "Nose" cross c) The "Markiyan messed up" cross?

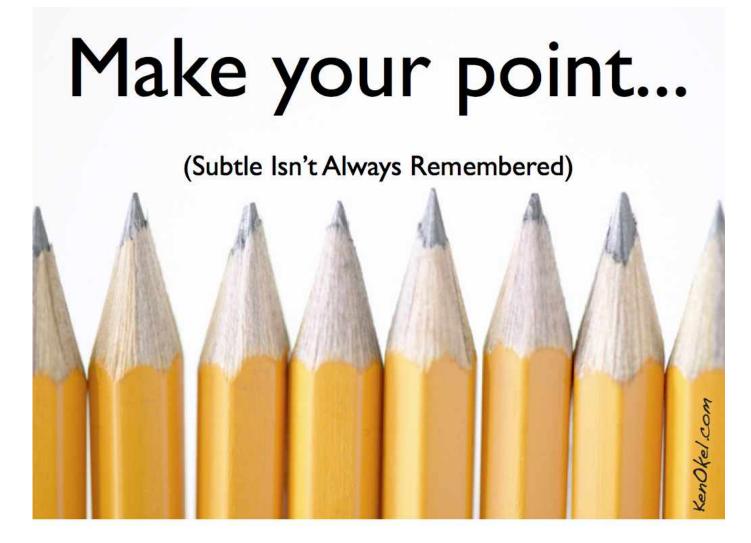
10. Save for Closing

(maybe)

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10. Save for Closing



Bonus (Personal Addition):

11. Have Fun

11. Have Fun... or whatever...



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THANK YOU FOR YOUR ATTENTION!

38 Volodymyrska St., Kyiv, 01034, Ukraine Tel.: +380 (44) 492 82 82 Fax: +380 (44) 492 88 72 www.epap.ua



Markiyan Kliuchkovskyi Partner <u>m.kliuchkovskyi@epap.ua</u>