

YOUR WITNESS, PLEASE!

HOW NOT TO MESS UP A CROSS-EXAMINATION

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“New Trends” and “Hot Topics”

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What Does It Tell You When Google Can't Find It?



"new trends in cross examination"



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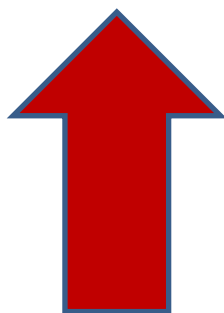
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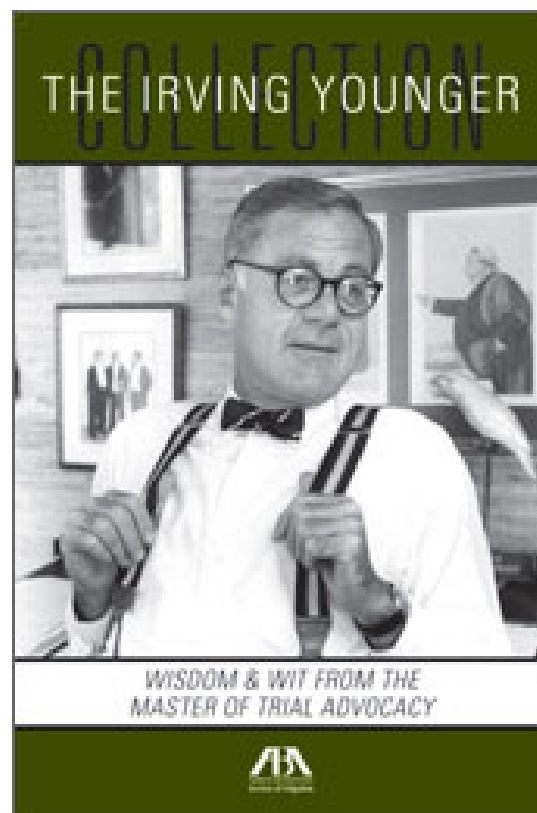
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Getting Back To Basics



“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)

1. Be Brief

1. Be Brief



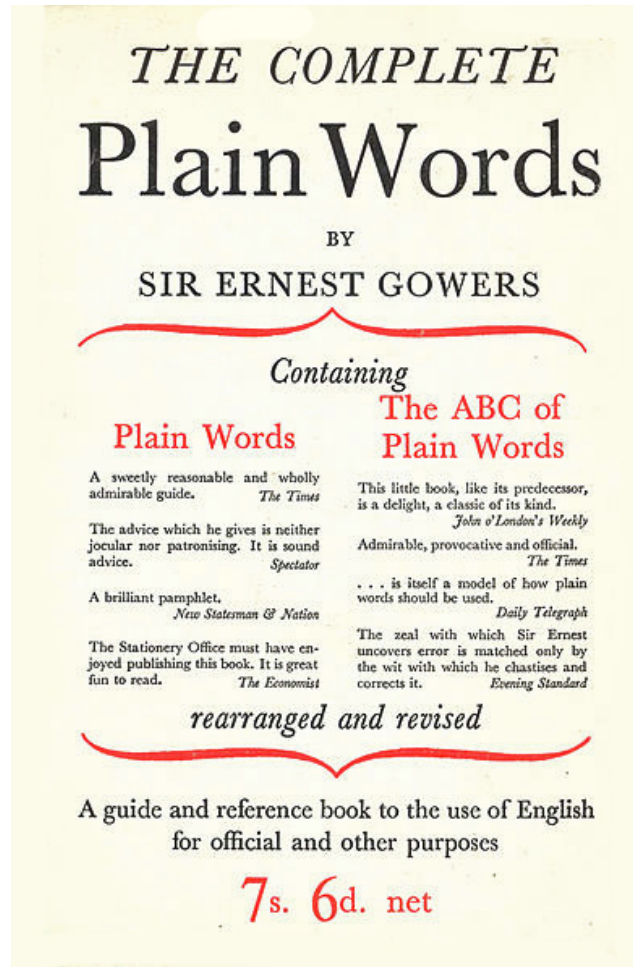
I shall be so brief that I have already
finished

— *Salvador Dali* —

AZ QUOTES

2. Use Plain Words

2. Use Plain Words



It has never been out of print

500,000 copies sold in 1948-1954

2. Use Plain Words

“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?”

3. Use Only Leading Questions

3. Use Only Leading Questions



Ask No Questions
Hear No Lies!

4. Be Prepared

a.k.a. Know Everything. Backwards.

4. Be Prepared

Unless your
name is **Google**
stop acting like
you know
everything.

JUST FOR JOKES AND FUN
www.facebook.com/jokes014



5. (Watch and) Listen

5. (Watch and) Listen



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

Leonard Cohen

quote fancy

6. Do Not Quarrel

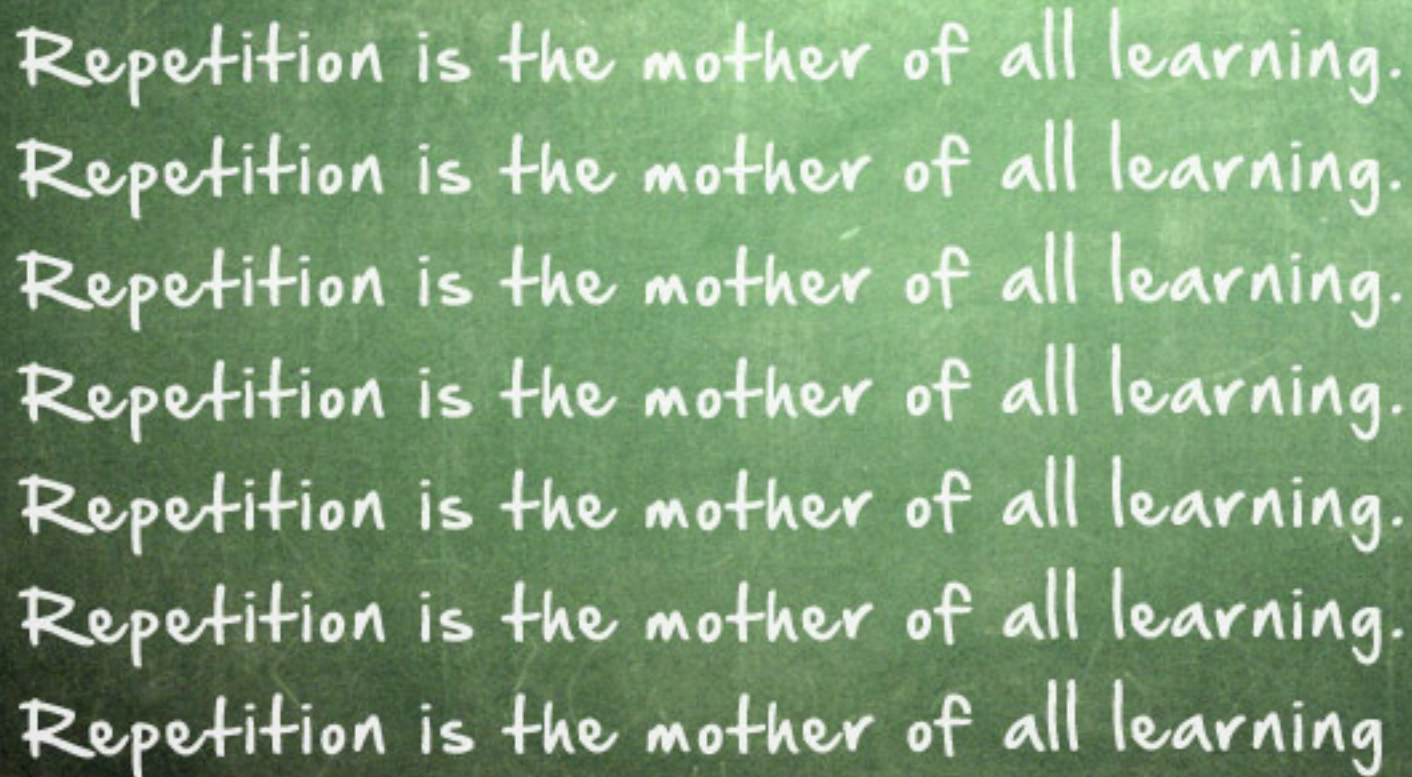
5. Do Not Quarrel



**KEEP
CALM
AND
DO
YOUR THING**

7. Avoid Repetition (of the Direct)

7. Avoid Repetition



Repetition is the mother of all learning.
Repetition is the mother of all learning.
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8. Do Not Allow Witness Explanation

8. Do Not Allow Explanation



9. Limit Questioning

a.k.a. the “One Too Many” Rule

What anecdote would you like me to tell you?

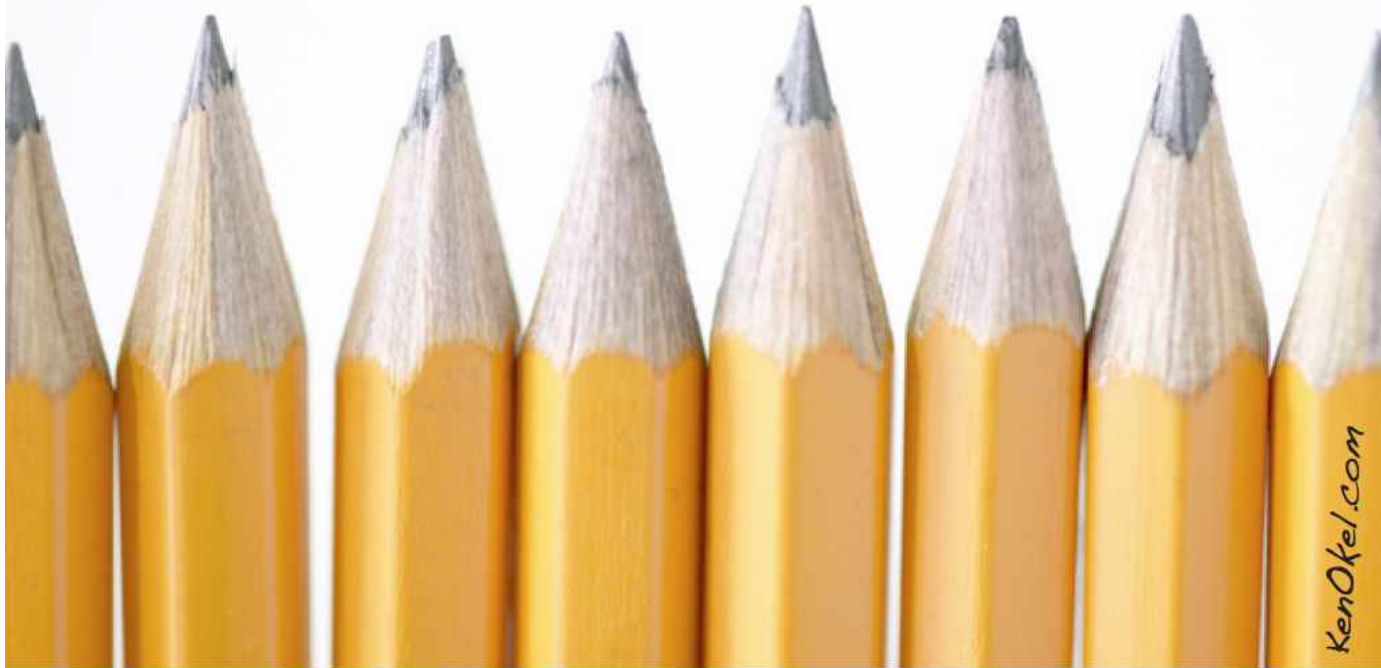
- a) The “**Speeding**” cross
- b) The “**Nose**” cross
- c) The “**Markiyan messed up**” cross?

10. Save for Closing

(maybe)

Make your point...

(Subtle Isn't Always Remembered)



Bonus (Personal Addition):

11. Have Fun

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





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