

The Basics of Cross-Examination

The Purpose of Cross-Examination:

Obtain FACTS that will be used in closing argument (*as opposed to making a closing argument during cross-examination*). [There is crucial difference between eliciting facts from a witness and making an argument to a jury based upon those facts.]

I. Preparation

- 1) List all of the facts you need from each witness.
- 2) Organize, by topic, how you want to elicit (or present) the facts. Use one page for each topic or major fact (i.e., the “chapter” method).
- 3) On each page, list all of the predicate (or foundation) questions required to get the fact or cover the topic.

II. Courtroom Technique

- 1) Never ask a question when you do not know the answer.
- 2) Always ask leading questions.
- 3) Always ask one-fact questions.

