

CRITIQUE FORM -- CROSS EXAMINATION

A. START STRONG

B. DO FAVORABLE CROSS FIRST

C. GOOD CONTROL

1. Short, simple, leading questions
2. Avoid risky inferences
3. Follow up evasion (repeat) and misstatement (impeach)
4. Quick pace
5. Emphasis techniques

D. ATTACK LAST

1. Clear theory why witness is wrong?
2. Good faith basis
3. Avoid argument & badgering

E. END STRONG

Strong, safe, not argumentative

F. EVIDENCE & EXHIBITS

1. Leading, controlled when used to impeach
2. Not used to refresh memory
3. Effectively used
4. Avoid new exhibits, letting witness draw diagrams, etc

G. STYLE

1. Stage presence & voice
2. Position & choreography
3. Use of notes

H. PROPER PROCEDURE

1. Good faith basis
2. Arguing, badgering