



# Charles Mwewa Intro to Law Lecture Outline

## Formulating Your Questions

- One question v. multiple questions at a time
- Simple v. complex language
- Leading v. Open-ended questions – in Direct as only open-ended questions (Review Table 7.1 on page 54)
- Capitalize on these types of questions in Direct – Examination: Who? Why? How? What? When? and Where?
- Avoid questions which imply the answer or elicit the response

## Guidelines for Direct Examinations

- Focus on the witness
- Listen, observe and write down what your witness says
- Be in control, direct your witness's testimony
- Preempt the other side's strong position by admitting your weak facts
- Facts v. Opinion, focus on the former, latter material to Expert Witness
- Monitor the pace of your testimony – time management is key

## CROSS-EXAMINATION

### Definition and Purpose

- It is the questioning of a witness who was produced by the other side
- Twofold Goal: favourable evidence to your side and evidence that will discredit the other side's testimony

### Preparing for Cross

- Know your case well
- Listen, write down what witness says in Direct
- Know when not to cross-examine

### Your Questions

- Control through Leading Questions
- Avoid Open-Ended Scenario – witness should not agree with your conclusion; do not invite an explanation
- Know both the answer and risk before asking any particular question – why?
- Cross is not repetition of the other side's Direct