

CROSS EXAMINATION CHECKLIST

Your cross examination should include everything below. Number each set of questions according to the numbers in the left column. Once your rough draft has been graded, you are free to rearrange your opening in any order you wish.

	REQUIREMENT	DESCRIPTION
1	Discredit the Witness's Perception, Memory, and Conduct	<p><u>Perception</u>: Ask leading questions that emphasize a flaw in the witness's ability to provide reliable information. Do this by asking questions about something that could have interfered with the witness's ability to provide good information. Example: "You saw the defendant clearly, didn't you? And you said you were about 100 feet away, right? And you said it was dark outside, correct?" Then, turn to the jury and make a facial expression that shows the jury they should doubt the reliability of this witness.</p> <p><u>Memory</u>: Ask leading questions that show the witness may have forgotten details. Example: "How many people were present?" "How many cars were in the driveway?" You can use a diagram or a map to show the witness doesn't remember clearly.</p> <p><u>Conduct</u>: Ask leading questions that show the conduct of the witness does not match up with their testimony on direct. Example, "you say you did nothing wrong, but you lied to the cops when you were questioned, didn't you?"</p>
2	Obtain Favorable Testimony	Ask leading questions that repeat favorable testimony from direct. Ask leading questions about <i>everything</i> in the witness's affidavit that helps your case.
3	Foundation Questions	Establish a foundation for all questions. For example, do not assume a witness saw something. Even if you know they saw something, the jury doesn't. Therefore, your first question should be, "You saw the car, didn't you?" Then ask, "it was red, wasn't it?"
4	Evidence/Exhibits	Use evidence/exhibits to emphasize important testimony. Ask leading questions that establish the exhibit is relevant and reliable. Show or deny important statute elements using the exhibit. Make sure you have questions that ask to admit the exhibit into evidence and publish it to the jury.
5	Theme & Theory	Ask leading questions that incorporate your team's theme and theory. Every time you use your them, make it bold and red . Work with your opening statement attorney to make sure you have the same theme and theory.
6	Statute(s)	Ask leading questions that support or deny the statute elements applicable in your case. This is very important. Remember, if you are the plaintiff's attorney/prosecutor, you have the burden to prove the statute elements. You can do that through your questions. If you are the defense attorney, you can ask questions that disprove the statute elements, making it difficult for the plaintiff/prosecution to meet their burden.
7	Impeach the Witness	Ask leading questions that show that the witness's testimony on direct conflicts with their affidavit. You can also impeach the witness by asking questions that show the witness is biased, has a motive to lie, or has a reputation for being untruthful.
8	End Strong	Plan a memorable ending. Ask leading questions that highlight important testimony. End on a high note. <i>Never, ever</i> end on a lost objection. Ask your strongest question last.
	Prepare for Objections	Be prepared for objections. Know the rules of evidence so you can quickly and properly respond to any objections. Highlight questions you think might cause an objection. Write the objection you anticipate and a brief way you can respond to that objection.
	Leading Questions	Most, if not all, of your questions should lead the witness. Your questions should ask for a "yes" or "no" answer. Never let the witness explain anything on cross.
	Presentation	<u>Underline</u> words you want to emphasize. Put a star next to questions you absolutely cannot forget to ask. Stand close to the witness and jury so you are the star.