

Cross-Examination Tactics and Responses

Tactic	Example	Purpose	Response
Rapid fire questions	One question after another with little time to respond	To confuse the witness; attempt to force inconsistent answers	Take time to consider question; be deliberate answering; ask to have question repeated; calm.
Condescending counsel	Over-Sympathetic in questions to the point of ridicule	To give the impression that the witness is inept, lacks confidence, or may not be a reliable witness.	Give firm, decisive answer; ask for the question to be repeated if improperly phrased.
Badgering, Belligerent	Counsel staring you in the face, shouts, "That so, isn't it?"	To make witness angry so that he/she loses sense of logic and calmness. Generally, rapid's will also be included this approach.	Stay calm; speak in a deliberate voice; give opposing attorney time to make appropriate objections.
Staring	After the witness answered, counsel stares as though there is more to come, creating long pause that one normally feels must be filled, thus saying more than necessary.	To provoke the witness into offering more than the question.	Wait for the next question.
Mispronouncing witness's name	Witness's name is Arnie; Counsel calls him Barney	To draw the witness's attention to the error pronunciation rather enabling him to concentrate on the question asked so that witness will make inadvertent errors testimony	Ignore the mispronunciation; concentrate on the question counsel is asking.
Suggestive question (tends to be a leading question; allowable on cross-examination)	Wasn't the mother always willing to talk?	To suggest an answer to the question in an attempt to confuse or to lead the witness.	Concentrate carefully on the facts; disregard the suggestion. Answer the question.
Demanding a "yes" or "no" answer to a question that needs explanation	Did you open this case without seeing the child?	To prevent all pertinent and mitigating detail from being considered by the jury.	Explain the answer to the question. If stopped by the counsel's demanding a "yes" or "no" answer, pause until the court instructs you to answer in your own words.

Cross-Examination Tactics and Responses (Cont.)

Tactic	Example	Purpose	Response
Reversing witness's words	Witness answers, "The neighbor was inside the house; Mrs. Doe and the child were outside." Counsel says, "Now, you say that the neighbor was outside and Mrs. Doe and the child were inside."	To confuse the witness and demonstrate a lack of confidence in the witness.	Listen intently whenever counsel repeats back something you have said. If he or she makes an error, correct him or her.
Repetitious questions	The same question asked several times slightly rephrased.	To obtain inconsistent or conflicting answers from the witness.	Listen carefully to the question and state, "I have just answered that question."
Compound question	Asking a question that calls for a positive and negative answer.	To try to make the witness answer both questions either positively or negatively.	Answer each question separately.
Conflicting answers	But, Ms. Smith, Mrs. Brown just said, etc.	To show inconsistency in the investigation. This tactic is normally used on measurements, time, etc.	Remain calm. Conflicting statements have a tendency to make a witness extremely nervous. Be guarded in your answers on measurements, times, etc. Unless you have exact knowledge, use the term "approximately." Refer to your notes.