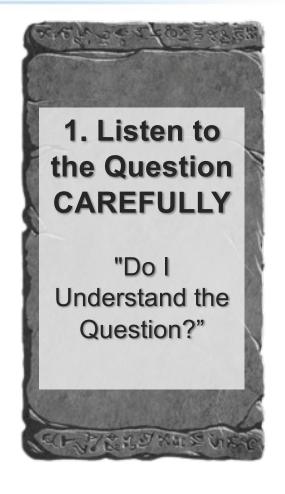
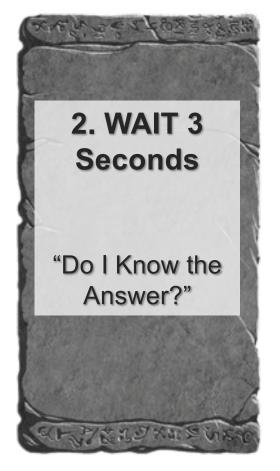


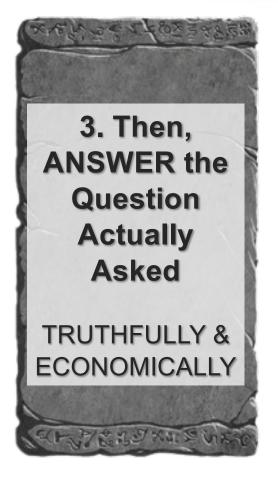
Surviving Cross-Exam

Managing Risks For Testimony At Depositions & Trial

Presented by Tony M. Sain, Esq.









Skipping Shrapnel

- Each Word Of Your Answer Is A Bullet
 - -You're Giving Opposing Counsel That Can Ricochet & Hurt You.
 - -Why Give Them More Ammo Against You?





In Civil Litigation...

WORDS ARE WEAPONS.



Possible Answers to Questions on Cross

Yes

No

I Don't Recall (I.D.R.)

I Don't Know (I.D.K.) I Don't Understand the Question (I.D.U.Q.) Substantive Answer

 Don't Hesitate to Give Substantive Answer to a Proper Question



But... AVOID Evasive Answers (Question Types)



Match Answer To Question Or Draw Objection (Non-Responsive, Evasive)



Golden Goals Are Rare, But...

Golden Goal Opportunities Usually Involve Spending a Few More
Word-Bullets To

Debunk Π's
Themes &
Theory on Cross

Develop Δs'
Themes &
Theory on Cross

Educate the Jury-Court On An Important Issue



RECAP: Trap Questions



Presumed Lie

Best Solution: Fix & Answer

Cutthroat Buddy; The Bully (Angry Attorney); & Cunning Chaos

Best Solution:
Ignore Tone/Distractions,
Stand Ground on Truth

Compound

Best Solution: Fix & Answer

Record Hypnosis

Best Solution: Know Record OR Pivot to Known Facts

Vague; Scope Shell Switcheroo

Best Solution: Fix & Answer

Former Statement Swamp

Best Solution: Fix Statement &/Or Avoid "Complete" Pin

No But Yes

Best Solution: Additional Words To Clarify Answer

Misleading

Best Solution: Resist The Trance

List Question

Best Solution: Complete List OR State List Incomplete

Dead Horse Carousel

Best Solution:

Give Same Answer (But Watch For Different Subject-Matter Question)

All & Every

Best Solution: Avoid Sweeping Overstatements



RECAP: Common Objections to Trap Questions

Presumed Lie

Argumentative, Misstates Testimony/Evidence, Assumes Facts

Cutthroat Buddy; The Bully (Angry Attorney); & Cunning Chaos

Argumentative, Badgering, Discovery-Phase Relevance

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Compound

Compound

Record Hypnosis

Document Speaks For Itself, Misstates Evidence

Vague; Scope Shell Switcheroo

Vague, Assumes Facts

Former Statement Swamp

Argumentative, Assumes Facts, Doc. Speaks...

Misleading

Argumentative, Misstates Testimony/Evidence

List Question

Witness Was Not Done With Answer/Speaking

Dead Horse Carousel

Asked & Answered, Cumulative, Harassing

All & Every

Overbroad, Vague As To Time

No But Yes

Vague, Unintelligible



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9

The Three C's of Telling a Compelling Story...







