

## Cross-Examination Tactics and Responses

<b>Tactic</b>	<b>Example</b>	<b>Purpose</b>	<b>Response</b>
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; remain 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 answers, ask for the questions 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 in 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 internally fills must be filled, thus saying more than necessary.	To provoke the witness into offering more than the question asks.	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 in pronunciation after enabling him to concentrate on the question asked so that witness will make inadvertent errors in 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.

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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.
Reversing witness's words.	Witness answer, "The neighbor was inside the house; Mrs. Doe and the children 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, time, etc. Unless you have exact knowledge, use the term "approximately." Refer to your notes.

*Adapted from Brief Review of Common Tactics of Cross-Examination, Source unknown. Cited in Faller, J.N. Davidson, M.A. Martin, M.E. Morowitz, R.M. (1992) Working with the courts in child protection (Contract no. MIS-105-88-1702). Washington, DC., U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, National Center on Child Abuse and Neglect.*