

The 10 Commandments **of** **Cross Examination**

The late Irving Younger promulgated the “*Ten Commandments of Cross-Examination.*” These commandments have all been violated almost as many times as the Commandments announced by Moses. Nonetheless, they provide a good set of guidelines:

- I. **BE BRIEF.** Younger believes that you should never make more than three points about a witness’ credibility.
- II. **SHORT QUESTIONS, PLAIN WORDS.** Don’t use legalese or technical terms if they can be avoided.
- III. **NEVER ASK ANYTHING BUT LEADING QUESTIONS.** Who, what, where, when, why, how, explain and describe questions SHOULD NOT be asked on cross.
- IV. **ASK ONLY QUESTIONS TO WHICH YOU ALREADY KNOW THE ANSWER.** One technique is to ask questions that you know you can impeach the witness with if the witness does not say yes.
- V. **LISTEN TO THE ANSWER.** Make sure you get the answer you are looking for.
- VI. **DON’T ARGUE WITH THE WITNESS.**
- VII. **DON’T PERMIT A WITNESS ON CROSS-EXAMINATION TO SIMPLY REPEAT HIS DIRECT TESTIMONY.**
- VIII. **DON’T LET THE WITNESS EXPLAIN.** Use your witness control techniques to prevent the witness from volunteering information.
- IX. **AVOID ASKING ONE QUESTION TOO MANY.** This is the question that contains the subject of your block (i.e., “So you are not positive that the person you saw was the defendant?”).
- X. **SAVE IT FOR SUMMATION.**