

TRY MOCK TRIAL PART VIII

JUST "DO IT": REDIRECT AND RECROSS

by M. Donna Ross

When you are in an actual trial, you will realize that there are a lot of questions that you should ask. Actually, redirect isn't all that difficult. First and foremost, you have to listen to every single question asked in cross examination of your witness. It is hard to object and think of questions at the same time, but actually a lot of your questions can come from things you would already be set to object to.

If the other side will not let your witness answer questions fully and insists upon "yes" or "no" answers, make sure that you bring out the entire answer in redirect.

If your witness adds something that you had not planned or had saved as a trap, be sure to ask about that. Mainly, listen carefully to every question and every answer with an eye toward improving your case and minimizing any damage done by your opponents.

Anticipate potential problem areas and prep your witness beforehand about the answers. Help your witnesses to understand every question and to listen to every

question. Be well-prepared with your witness so that you understand what your side needs you to do. Don't be shy about objecting on almost any grounds in order to get your witness more time to think if something brand new and revolutionary comes up.

In just about all rounds, it is wise to redirect. There is almost always something damaging that comes out in cross. However, if opposing counsel really didn't get anywhere at all and was a total dweeb, you may simply say, "I have no further questions." Before you do, though, make sure that everyone else thought opposing counsel did nothing, too. If you do this at the right times, you look superb.

Recross isn't always necessary either. Pick your times well. If the other team tries to salvage the witness on redirect or the witness seems to "remember" stuff he didn't "remember" the first time, make sure you hit those points hard and impeach the witness (show that the witness should not be believed.) Show how the witness's story just

suddenly morphed into something else.

If the story that you want to get out is even remotely connected to something in redirect, ask your line of questions. Don't be afraid to hammer something that was previously overruled or that you already asked about a lot. Go with what you think in recross. If the other team doesn't hurt your cross with their redirect, don't waste time. Otherwise, show the stupidity of the witness (impeach him.)

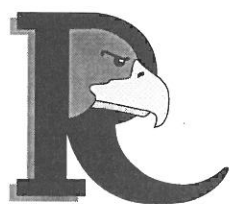
In redirect and recross, very often "Less is more." The greater efficient you show, the better off you will be. One good point is worth a dozen that are "Ho-Hum."

Note: Redirect is limited to what opposing counsel asked in cross.

Recross is limited to what opposing counsel asked in redirect. (The first cross, however, may be on any pertinent matters.)

(M. Donna Ross is Tournament Manager of the Gateway Nationals 1998. She coached 4 state champion Mock Trial Teams at Parkway (MO) Central H.S.)

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