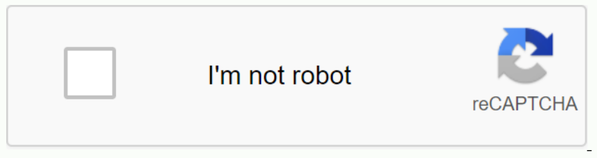

Continue

Sample direct examination questions police

I.THE ROLE OF DIRECT EXAMINATIONDirect investigations are at the heart of your case. During your direction, you present your witnesses' testimony through Q&A, develop your compelling litigation history and the evidence that supports that story. Every other aspect of the study is derived from direct examination. Opening statements and closing arguments are simply the opportunity for the lawyer to discuss what the witnesses have to say; Cross-examination exists only to question the direct or controversial. Direct review should be designed to achieve one or more of the following basic goals:1) Introducing the undisputed factsIn any sham trial, there are likely to be undisputed facts that determine one or more elements of your case. Although these facts are not controversially discussed by the parties, they cannot be examined by the judge or jury until they are substantiated by the testimony of a witness. Suppose, for example, that you represent the charge in a murder case and that the accused claims self-defense. Although the question of who killed the victim is undisputed, the death of the victim is still an element of your case and must be proven by testimony in direct examination.2) Improving the likelihood of contentious factsThe most important facts in a trial will usually be the most contentious ones. The direct audit is your opportunity to present the version of your client's disputed facts and convincingly present evidence that supports that version. The true art of direct examination is to create the certainty of facts that the other side is uncertain or untrue.3) Lay Foundation for the Introduction of Exhibits documents, photographs, writings, material objects, and other evidence will often be at the center of your case. With a few exceptions, it is necessary to lay the foundation for the admission of these exhibits through direct testimony.4) Reflection on the credibility of witnessesThe credibility of a witness is always at issue. Therefore, any direct examination, regardless of its ultimate purpose, must also concern the credibility of the witness's own testimony. For this reason, direct investigations usually begin with background information about the witness. What does it do for a living? Where did she go to school? How long does she live in the community? Even if a witness's credibility is not called into question, this kind of information helps to humanize it and give weight to what it has to say. You can expect the credibility of some witnesses to be attacked during a cross-examination. In these situations, You blunt the attack by strengthening the credibility of the witness during the direct investigation. You can empower a witness by extracting the basis of her knowledge, her ability to observe, or her lack of bias or interest in the outcome of the case. You can also use the direct direct to undermine the credibility of another witness's testimony by introducing evidence of that witness or a bad reputation. Alternatively, you can use the direct interrogation of one witness to provide evidence of the bias or motive of another witness, or simply to contradict the testimony of the other.II. THE RULES OF THE DIRECT EXAMINATIONThe witness statements you draw from your witness must be admissible. Of course, the presiding judge will ultimately decide whether a particular piece of evidence is admissible. So if you have a reasonable theory of admissibility for a piece of evidence, you should try to offer that evidence directly. In addition to limiting your direct examination to extract evidence that you deinodate, there are other specific rules of direct examination that determine the way in which you can give evidence to your witnesses. Once you understand these rules, you can start planning your direct checks. Remember to be close to the jury when conducting direct investigations so that your witnesses can be easily heard, and to make eye contact with the members of the jury. Also remember that relying on notes will prevent you from making eye contact with the witness and from observing and evaluating the jurors' response to the testimony. Direct investigations should sound like a conversation between two friends, in which the lawyer initiates the testimony and the witness explains his testimony; Your position towards the jury members is crucial to achieving this effect. Also note that the use of visual aids can significantly improve witness testimony. Whether this means giving a list of important points as a witness or providing a witness with a map, diagram, or image to illustrate the witness's testimony, the information is better preserved by the fact finder when presented visually. This concept also applies to physical and vocal demonstrations; When the fact-finder sees and hears certain facts as they are explained, they are more likely to remember them. Just ask non-leading questionsThe main rule of direct examinations is that the lawyer is not allowed to lead the witness. Leading questions are those that contain or suggest their own answers. These questions are prohibited during the direct interrogation to ensure that the testimony is really that of the witness and is not simply dictated by the lawyer. Whether a particular question leads is often a question of tone or delivery, as much as a question of form. Incidentally, the distinction is often finely drawn. For example, there is no doubt that Question leads:QUESTION: Of course you crossed the road, didn't you? The question not only contains its own answer, but its format also practically requires it to be answered in the affirmative. On the other hand, this question is not Crossing the road? Although the question is very specific and requires a yes or no answer, it does not indicate the answer of the witness. Finally, this question falls in the middle: QUESTION: Haven't you crossed the road? If the tone of the voice and the investigator's diffraction indicate that this is meant as a real query, the question is unlikely to be considered a leader. However, if the question is more called an assertion, it violates the leading question rule. There are some exceptions to the rule against leading questions for direct review. A lawyer is usually entitled to lead a witness in order to lay the foundation and make a transition in the testimony. An example of a key question that should lay the foundation is: you have carried out extensive research in psycho-cybernetics, isn't that right, Doctor? An example of a key question that is supposed to create a transition is: Do you want to tell the jury of Deurin in psycho-cybernetics, Doctor? Avoid questions that elicit Narrative AnswersAnother general rule is that witnesses on direct scrutiny may not testify in narrative form. The term narrative does not have an exact definition, but it is usually taken as an answer that goes beyond answering a single specific question. Questions that invite a long or run-on answer should require a narrative answer. An example of a non-narrative question is: What did you do next? The offensive, narrative version would be: Tell us everything you did that day. In sham processes, there is an additional incentive to avoid questions that provoke narrative answers: they take too much time. Instead of narrative questions, it is best to keep witnesses on track with brief, incremental questions. The following line of questions uses short, incremental questions to demonstrate the veracity of an identification: Were you able to get a good look at the robber, Ms. Kearney? ANSWER: Yes, I could see him clearly. QUESTION: How big was he? ANSWER: About six meters high. QUESTION: How heavy was it? ANSWER: He was heavy as a footballer, broad shoulders and a thick torso. He must have weighed over 200 pounds. QUESTION: What race was he? ANSWER: He was white. QUESTION: And his complexion? ANSWER: His complexion was fair. QUESTION: What color was his hair? ANSWER: He had no hair - he was bald. QUESTION: Did he have facial hair? ANSWER: Yes, he had a goat. QUESTION: Could you see his eyes? ANSWER: Yes, he came directly to me. QUESTION: What color were they? ANSWER: Brown.Je to the witness's knowledge, further questions could examine other facts. Could the see the robber's shirt? What color was it? His pants? His shoes? Any jewelry? Glasses? Tattoos? As you can see, this line of questioning drives home the accuracy of the witness's identification without the witness being lost in a narrative response. Obey the non-opinion rule witnesses who testify to their sensory observations. What did the witness see, hear, smell, taste, or do? Witnesses other than experts are generally limited to giving opinions rationally based on their own perception; they must not characterise the events. Thus, witnesses are usually allowed to draw conclusions on topics such as speed, distance, volume, time, weight, temperature and weather conditions. Similarly, lay witnesses can characterize the behavior of others as angry, drunk, loving, busy, or even insane, as long as you lay a foundation that shows the witness's ability to interpret the other person's behavior. Refresh the Witness's Recollection When NecessaryAlso in sham trials in which the roles of student actors are played, the witness memory is not perfect. So you should conveniently remember refreshing witnesses as a protection in case one of your witnesses forgets important information during the trial. In most cases, you will refresh a witness's memory with her own previous testimony. In any case, first confirm with the witness that her memory is exhausted in relation to the specific subject or event by asking: Is your memory of this fact exhausted? Then you ask: Is there anything that could refresh your memory? When the witness identifies her testimony, follow the same steps that you would follow if you offered the exhibit as evidence: show the document to the opposing counsel, ask for the judge's permission to contact the witness, hand over the exhibit to the witness, and verbally describe your actions for the record. Ask the witness to identify and authenticate the exhibit (usually by identifying her signature at the end of the statement). Next, ask the witness to review the document and signal to you when their memory is updated. You should also draw the attention of the witness (and the court) to the particular page or line number on which the forgotten fact appears. At this point, you should either step to the side of the jury box or return to your position at the end of the jury box; When you stand over the witness and point to her testimony, she will appear that you have the witness's testimony. If the witness has indicated that her memory has been updated, retrieve the document from the witness and ask your first question again. Here's an example that guides you through these steps:QUESTION: Were you able to get a good look at the robber, Ms. Kearney? ANSWER: Yes, I saw him clearly as he left the building and climbed blue limousine. QUESTION: How big was he? ANSWER: I really don't remember now. QUESTION: Was there a time when you remembered this information? ANSWER: Yes, I gave the police a full description when I gave my statement. QUESTION: Is your memory of the robber's appearance now exhausted? ANSWER: Yes, I'm sorry, it is. QUESTION: Would a look at the statement you gave to the police immediately after the robbery refresh your memory? ANSWER: it, it would. TO COUNSEL: I will show the witness her testimony, which is marked as Appendix 3 for identification. JUDGE: Permission to contact the witness, your honor? JUDGE: Granted.QUESTION: Ms. Kearney, I'll give you what has been marked as Appendix 3 for identification. Do you recognize that? ANSWER: Yes, that's the statement I gave to the police right after the robbery. QUESTION: How do you know that's what you say? ANSWER: Because I signed the back. QUESTION: Please take a moment to look at the second page of this statement, which begins in line 12, and signal to me when your memory of the robber's appearance is refreshed. ANSWER: (Pause)Oh yes, now I remember. QUESTION: (Retrieve documents)Mrs. Kearney, please tell the jury how big the person you saw was. ANSWER: He was about six feet tall. The more fluidly you conduct this procedure, the less damaging it will be to the credibility of your witness. If you act shocked and confused by the witness's failure to remember an important fact, you will only highlight her inadequacy for the Trier of fact. It is better to refresh the memory of the witness quickly and calmly. Let the appropriate witness identify the accused (prosecutor only)In-court identifications can be very powerful if they are carried out correctly. In fact, it is a necessary step for prosecution in a criminal case to determine for the recording that the person sitting in the courtroom is the same person who was accused of the crime. In order for a witness to be able to correctly identify the accused in court, first determine her relationship with the defendant. Is she a relative of the accused? A good friend? The arresting officer? The victim or the eyewitness of the crime? Whatever their relationship, you need to show the fact finder the witness is qualified to identify the accused. Once you have done so, instruct the witness to identify the defendant in the courtroom by pointing at him and briefly describing him physically. Note the court-identified identifier for the record to complete the operation. Below is an example of effective identification in court:QUESTION: Did you get a good look at the robber, Ms. Kearney? ANSWER: Yes.As I said, I saw him clearly as he left the building and got into a blue limousine. QUESTION: Do you see him in the courtroom today? ANSWER: I do. QUESTION: Please point to him and identify a garment he is wearing. ANSWER: He's right there (showing) and he's wearing a blue suit with pinstripes. TO JUDGE: Your honor, let the record reflect that the witness identified the defendant, Mr. Larry Scelfo. Use stipulations when HelpfulS conditions are often included in mock test case files. If included, you have the option to include these agreements between the parties in your submission of the evidence. Scholarships are, by their very nature, the best way to prove a certain fact. So if a predetermined fact becomes most relevant during your main case, you should read it out for the Trier of Facts. For example, say that the parties in the fire truck case determined that the plaintiff's medical treatment after the collision cost a total of 4,500 U.S. dollars.Plaintiff's attorney could find this fact during the plaintiff's direct investigation as follows:QUESTION: How many doctor visits did you have after your initial treatment after the accident? ANSWER: I went to a doctor and physiotherapist at least ten times after my initial treatment. QUESTION: Was that expensive? ANSWER: Yes, it certainly was. TO JUDGE: Your honor, at this point I would like to read out a preset for the jury. JUDGE: Proceed.COUNSEL: To defense counsel) I will read Stipulation 4 on page 12. (to the jurors) The plaintiff and the defendant agree that the plaintiff's medical treatment after the collision cost a total of USD 4,500. (to the defender) So set, Council? DEFENSE: So set. Not only that the jurors now have but they also know that the total amount has been agreed by the parties. From that point on, there can be no reason that the collision cost the plaintiff 4,500 dollars in medical bills. If the fact-finder in your trial is a judge, you should simply draw the court's attention to the particular provision instead of reading it. Unlike the jurors, the judges of the intermediate courts are aware of the documents submitted by the parties. There is no need to read facts to the judge if he is already familiar with them. Thus, the lawyer would instead say: TO JUDGE: Your Honor, at this time I would like to draw the court's attention to Sekrate 4 on page 12 of the file, which gives the total cost of the plaintiff's medical bills after the accident. JUDGE: Yes, I have... You can continue. III.. PLANNING DIRECT EXAMINATIONSYour most important tool in presenting a convincing direct investigation is of course the knowledge of your witness. If the underlying content of the audit is incorrect and credible, its organization is unlikely to make a noticeable difference. So your first concern must be the content – the existence of the facts that you want to prove. Remember that direct examination provides your best opportunity to prove your case. To do this effectively, the exam must establish an aspect of your theory or contribute to the persuasiveness of your subject. Preferably, it will do both. If you look at the contents of a direct exam, return to the summary you created in Chapter 2 (Case Preparation) and pick up where you left off by prioritizing the facts that are most helpful to your case and eliminating those that are foreign. This is a reckless process. In direct testing, length is your enemy. They must work to eliminate all the insignificant facts that are questionable, subject to impeachment, cumulative, distasteful, implausible, distracting, or just boring. First, go through a process of inclusion. Take your summary of the helpful facts that the witness adds to your case, determine which ones are necessary to establish your theory. What is the most important thing the witness has to say? What are the other facts of the witness that make the central information more plausible? What is the next most important part of the testimony? What secondary facts make this testimony more credible? Continue this process for each element of your case. For example, suppose that one of your witnesses told the accused driver a few days before the accident car repair shop. The witness stated in her statement that the defendant was informed that his brakes were poorly repaired, but that he they are fixed. This is a fact of central importance (because it shows recklessness), and you will no doubt present it at the direct interrogation of the witness. The facts supporting this statement include corroborising details such as the time of day, the whereabouts of the witness during the crucial conversation about the brakes and why the witness can identify the accused. These details, although not strictly relevant to your theory, give weight and credibility to the crucial testimony. You must also be sure to include the thematic facts that give your case moral no. Back to the case of the fire truck, remember that the defendant was already late for an important meeting at the time of the collision. How can your topic be developed too busy to be careful in the statement of the carshop witness described above? The answer is to look for supporting details in the witness's testimony. Was the defendant bent or abrupt with the repairman? Did he keep looking at his watch? Did he try to read important papers while discussing the brakes? Has the accused rushed out of the store? In other words, look for details that support your image of the defendant as busy, busy and without concern for security. In addition to key facts and supporting details, your content checklist should include reasons and explanations where possible. Remember, stories are more compelling when they contain reasons for the way people act. A direct interrogation should normally include the reasons for the witness's own actions and, with qualified witnesses, reasons for the actions of another. Similarly, if a witness's testimony is not self-explanatory or raises obvious questions, consider asking the witness for an explanation. In the workshop scenario above, it may not immediately be apparent that an occasional observer would remember the defendant's actions so accurately. So ask the witness for an explanation: QUESTION: How can we remember seeing and hearing what the defendant did that morning? ANSWER: I was in the shop to fix my brakes, and I was really impressed that he went without taking care of him. This statement is logical and credible and will strengthen the testimony of the witness against the accused. In addition, as we have explained above, part of any direct investigation should be devoted to establishing the credibility of the witness. They can increase credibility in many ways. Show that the witness is neutral and disinterested. Proof that the witness has an adequate had to observe. Allow the witness to deny any expected allegations of bias or misconduct. Unleash the personal background of the witness of probability and honesty. After identifying these these that most support your theory and most strengthen your subject, you can now start the process of elimination. If you have no exceptional compelling reason to include them, you must discard all the facts that fall into the categories described below. Clutter can be the biggest vice in direct testing. Details are essential for confirming important evidence, and they are worse than virtually anywhere else useless. Aimless detail will distract from your true confirmation. In the example of the car shop, for example, the proximity of the witness to the service desk is an essential detail. The color of the color in the waiting room is not. It is usually better to go through a line of inquiry than to follow it up and ultimately have it rejected. However, this is not a hard and fast rule. Many true facts will be disputed by the other side, and your case will almost always turn on your ability to convince the jurors that your version is correct. Sometimes your case depends entirely on the testimony of a single witness who, while safe and truthful, is being attacked massively. However, you must be prepared to evaluate all potential statements against the standards of detectability and necessity. If you can't prove it, don't use it , especially if you don't need it. Next, you rule out any implausible facts. You will know an implausible fact when you see that it does not have to be disputed in order to collapse under its own weight. It may be true, it could be useful, it could be free of possible contradictions, but it still can't fly. Return to the car dealership witness and assume that she said in her statement that she recognized the defendant because she once drove in the same elevator 15 years earlier. They may have no reason to believe the witness, and it is certainly unlikely that anyone could contradict or refute their testimony. The testimony could even add some support to your subject, say, when the defendant rushed out of the elevator in an obvious hurry to get to work. Yet the testimony is simply too far-fetched. If it is offered, there will be something unnecessary for the Trier to worry about; there will be a reason to doubt the other testimony of the witness. Note, however, that the plausibility must be weighed against the meaning. If the case is a contested identification of the defendant, proof of an earlier encounter could be of sufficient value to risk its introduction. Direct witness statements that open the door to cross-examination requests, otherwise would not be allowed, should also be omitted. The reason door openers are dangerous is because fairness requires that the cross examiner allow to explore any subject that has been directly deliberatively introduced. In the cross-border case, for example, the defendant would almost certainly not be entitled to introduce the fact that the plaintiff under the care of a psychiatrist. On the other hand, it is assumed that the applicant stated directly that the accident had forced her to miss an important appointment with her doctor and that the appointment could not be postponed by one week because of the nature of the doctor's appointment. In these circumstances, at least the door would be opened to a cross-examination, which included the maturity of the appointment and the reason why it could not be rescheduled; in other words, that the plaintiff was on her way to her psychiatrist.Organization is the tool by which you translate the facts in the testimony of a witness into a coherent and convincing story. A trial lawyer does not simply ask a witness to tell everything you know, but uses the placement and order of the information to increase and clarify its value. In Chapter 3 (Communication Techniques), we discussed a number of methods that you can use in organizing your direct investigation, including repetition and duration, reflective questions, apposition, headlines, and enumeration. Be sure to refer back to this chapter often as you compile your direct investigation. Although there is no defined pattern for the structure of a direct examination, the following guidelines should be loosely followed. Start strongly and finish stronglyAny direct exam, no matter how it is organized, should strive to start and finish strengths. The definition of a strength will differ from experiment to experiment. It may be the most gripping and dramatic aspect of the whole examination, the only matter on which the witness expressed the greatest certainty, the hotly disputed issue of the case, or it may be a decisive predicate for other testimonies. Whatever the specifics, the strengths of your overall exam should have some or all of these characteristics:Admissibility:There is little worse than having an objection that is maintained right at the beginning or end of a direct exam. You must be absolutely sure of the admissibility of your opening and closing points. Theory value:The actual definition of a strength is that it makes a significant contribution to your theory. What does the witness who is most important to prove your case say? Thematic value: Ideally, your strongest points reinforce the moral weight of your case. Try to formulate them in the same language that you use to invoce your topic. Dramatic effects: Dramatic effects at the beginning of an examination keep the judge or the jury to hear. Dramatic effects at the end of the exam will help to correct the testimony in their memories. Unenibility: Choose strengths in Hope that they will be vividly remembered. It will do you little good if they are remembered as questionable or controversial. In most cases, of course, it will be necessary to consider the opening part of the direct examination. the witness and find out part of her background. Therefore, the actual beginning of the examination must be understood as the beginning of the material statement. Any complete direct examination is actually a combination of many smaller sub-examinations. As you move from topic to topic, you constantly close the portions of the direct testimony and reintroduce them. The Start Strong/End Strong rule should not be applied only to the organization of the full direct rule; it should also be used to structure its individual components. In our crossroads case, you may want to start and finish the substantive part of the plaintiff's examination with evidence about the fire truck. In the meantime, however, you will deal with other issues, including the applicant's background, the place of the accident and the applicant's damage. Each of these components of the direct should, if possible, begin and end at a starch. In something as simple as setting the scene, consider which elements of the description are most important to your case. Then start with one and end with the other. At the intersection, you should leave with the clarity of the weather conditions to create visibility. Perhaps you would then conclude the scene-giving part of the test with this description of the traffic:QUESTION: Of all the cars present, how many stopped for the fire truck? ANSWER: All but the car driven by the accused. Chronology is almost always the simplest form of organization. What is more obvious than to start

at the beginning and at the end? However, this is not always the easiest in litigation. In many cases, it is preferable to use a current or thematic form of organisation. In this way, you can arrange different components of the testimony of the witness to reinforce each other, you can isolate vulnerabilities and you can develop your theory in the most convincing way. The order in which events occurred is usually random. Their duty as advocates is to rearrange storytelling so that history has maximum logical power. Even in a matter as simple as our fire truck case, a strictly chronological examination of the plaintiff could not be dramatic or convincing. A chronological examination of the day of the accident would set out these facts in that order: the time the plaintiff left home that morning; their destination and estimated travel time; weather and traffic conditions; her way from street to road until she arrives at the fateful intersection; the appearance of the fire truck; the applicant's reaction; and finally the collision. After the this series of details, some important and some not, the direct examination finally comes to the most important event – the Itself. But is the fact finder still interested? It would be more dramatic to begin (1) with the collision, (2) to explain why the plaintiff had stopped her car, (3) describe the fire engine, (4) describe the reaction of the surrounding traffic and (5) compare this with the actions of the accused. This takes us directly to the next point. A direct investigation is not a treasure hunt or a murder mystery; there is rarely a reason to keep the jurors in suspense. The best form of organization is often to explain exactly where the testimony is going, and then go straight there. Example: QUESTION: Please introduce yourself to the jury members. ANSWER: My name is Len Rubinowitz.I am a law professor at Northwestern Law School here in Chicago.QUESTION: Professor Rubinowitz, I would like to ask you in advance so that the jurors know – why are you here today? ANSWER: I am here because you asked me to testify about the bank robbery i experienced in August last year. As soon as the Trier of facts knows why the witness testifies, they will be eager to hear the witness's story of what happened. While you may need to return to the witness's background, as in the example above, keep this part short and then go directly to the witness's story by using a heading to warn the fact finder where you are going. For example: QUESTION: Do we go directly to the armed robbery that you witnessed on 1 August last year, Professor. Where were you when you witnessed the robbery? ANSWER: I was in the bank and standing at the adjacent checkout window. QUESTION: Tell the jury what you saw. ANSWER: I saw a man wearing a mask approaching the next checkout window. He gave a note to the woman who was working at the window, and as soon as he did, he pulled out a gun. QUESTION: What happened then? And so on, until the story was told. Do not interrupt the actionAny direct investigation is likely to include one, two or more important events or events. The witness can describe physical activities such as a car accident, an arrest, the failure of a device or a surgical procedure. Alternatively, the witness can testify about something less tangible, such as the formation of the contract, the effect of an insult, the threat, the breaking of a promise or the presence of pain after an injury. Regardless of the specific topic, it will always be possible to the statement in action on the one hand and supporting details and descriptions on the other. Since the witness describes an event such as the armed robbery of a bank above, a cardinal rule for organizing a direct investigation is never to interrupt the act. Do not interrupt the dramatic flow of the description of the crucial events to fill in smaller details. For example, it would be unwise to stop testifying about the bank robbery in the middle of Professor Rubinowitz to ask him how many other people were in the bank at the time or how the lighting conditions were inside the bank. Although these details may be important, they may not be more important enough to justify the fracturing of the natural flow of event testimonials. The best way to capture supporting details is to go through the witness's testimony and fill in that information. For example: QUESTION: Now that we have heard what you saw and heard that day, I have to take you back through your description to fill in some details, Professor Rubinowitz.ANSWER: Okay.QUESTION: How many other people were in the bank when you entered? ANSWER: Four or five. It was early in the morning - the bank had just opened. QUESTION: What were the lighting conditions in the bank when you saw the defendant approaching the cash window? ANSWER: It was bright. There were windows on the east side and the morning sun shone through blinds that were open. In addition, all the lights inside the bank were turned on. This method has the added advantage that you can repeat most of the crucial testimonies, as you are now seeking clarification. Witnesses are often asked to testify in order to provide both affirmative evidence and to refute the testimony of others. In such cases, it is usually best to offer the positive evidence before they proceed to rebuttal. In this way, you will accentuate the positive aspects of your case and avoid the witness appearing to be a scold. As a general organizing principle, it makes sense to think about building your own case before destroying that of the opposition. It is often advisable to work out potentially harmful or embarrassing facts directly in order to mitigate their effect during cross-examination. The theory here is that the bad information will be less harmful if the witness offers it and explains, instead of giving the opposing counsel the satisfaction of bringing it to cross-examination. Be sure to draw the string only if you are sure that the information is allowed when on the other side – otherwise ask for it to directly open the door for the cross examiner. Assuming that you have chosen to provide malicious information on direct, be careful not to do it at the beginning or at the end of the exam. Remember that, according to the principles of primacy and reparation, bad facts cannot possibly be the strengths of your case, so you always want to bury them in the middle of direct scrutiny. It is best to allow the jurors to get to know your witness before introducing malicious information. It's a normal human inclination to want to believe the best of people you like. Thus, you should give the Trier of action every possible reason to like your testimony before offering anything that could have the opposite effect. Each exam should end with a clincher – a single fact that focuses on your experimental theory or topic. In order to qualify as a clincher, a fact (1) must be absolutely permissible; (2) reasonably dramatic; (3)simple and memorable; and (4) with certainty. Depending on the nature of the evidence and the theory you are entering into, the last question to the plaintiff in our automotive case could be one of the following: Question: How long was the fire truck visible before the defendant's car hit your car? ANSWER: It was visible for at least ten seconds because I had already seen it and stopped for a while when the defendant ran towards me. QUESTION: Did the defendant start making phone calls before or after checking your injuries? ANSWER: He started his call without even looking at me. QUESTION: Do you know if you can ever walk without pain again? ANSWER: The doctors say they can't do anything for me anymore, but I'm still praying. Below are video samples that give you a general idea of the concepts required for the competition in a mock trial. These are just examples, not an exhaustive list of what you need to do. There are many model examples on youtube that you can search for. We also recommend you go to the local Hillsborough Court House to observe an actual trial if you haven't already done so! Already!