IRVING YOUNGER’S 10 COMMANDMENTS
OF CROSS EXAMINATION

1. **BE BRIEF**
Be brief, short, and succinct. Why? Reason #1: The chances are that you are screwing up. The shorter the time spent, the less you screw up. Reason #2: A simple cross that restates the important part of the story in your terms is more easily absorbed and understood by the jury. You should never try to make more than three points on cross examination. Two points are better than three, and one point is better than two.

2. **USE PLAIN WORDS**
The jury can understand short questions and plain words. Drop the 50-dollar word in favor of the two-dollar word. “Drive your car” instead of “operate your vehicle.”

3. **USE ONLY LEADING QUESTIONS**
The law forbids questions on direct examination that suggest the answer. The lawyer is not competent to testify. On cross examination, however, the law permits questions that suggest the answer and that allow the attorney to put his words in the witness’s mouth. Cross examination, therefore, specifically permits you to take control of the witness, take the witness where you want to go, and tell your important point to the jury through the witness.

Not asking controlled leading questions leaves too much wiggle room. “What happened next?” “I would like to clear up a couple of points you made on direct examination. . . .” These questions/statements are the antithesis of an effective cross examination. Any questions that permit the witness to restate, explain, or clarify the direct examination are a mistake. Instead, you should put the witness on autopilot so that all of the answers are a series of “yes,” “yes,” “yes.”

4. **BE PREPARED**
Never ask a question to which you do not know the answer. Cross examination is not a fishing expedition in which you uncover new facts or new surprises at trial.

5. **LISTEN**
Listen to the witness’s answer. For some, cross examination of an important witness causes stage fright. It confuses the mind, and panic sets in. Some might have a hard time even getting the first question out, and a nervous examiner might generally be thinking about the next question, rather than listening to the answer. Often a witness’s answer contains an incredibly valuable nugget, but if the examiner is not listening, then the treasure is lost!

6. **DO NOT QUARREL**
Do not quarrel with the witness on cross examination. When the witness answers your question with a response that is absurd, false, irrational, or contradictory, you should stop and sit down! Resist the temptation to respond by asking, “How can you say that?” or “How dare you make such an outrageous claim!” The answer to the question often elicits a response, which then explains away the absurdity and rehabilitates the witness.
7. AVOID REPETITION
Never allow a witness to repeat on cross examination what he said on direct examination. Why? The more times it is repeated, the more likely the jury is to believe it. Cross examination should involve questions that have nothing to do with direct examination. The examination should not follow the script of the direct examination.

8. DISALLOW WITNESS EXPLANATION
Never permit the witness to explain anything on cross examination. That is the job of the opposing attorney, not the witness.

9. LIMIT QUESTIONING
Don’t ask the one question too many! Stop when you have made your point. Leave the argument for the jury.

10. SAVE FOR SUMMATION
Save the ultimate point for summation (closing argument). A prepared, clear, and simple leading cross examination that does not argue the case can best be brought together in final summation.

Summarized from The Art of Cross-Examination by Irving Younger, from a speech given by Mr. Younger at the ABA Annual Meeting in Montreal, Canada, in August, 1975.