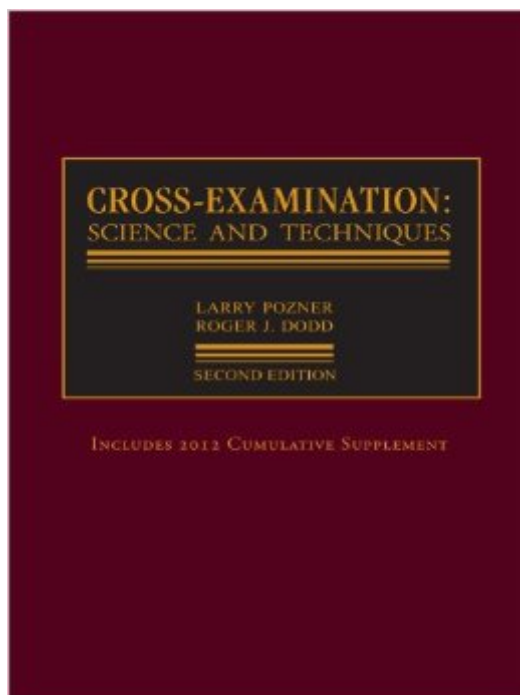


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# Cross-Examination: Science And Techniques



## Synopsis

In *Cross-Examination: Science and Techniques*, Second Edition, Larry Pozner and Roger Dodd continue their outstanding tradition of helping attorneys conduct commanding cross-examinations. The second edition offers deeper analysis of cross-examination methods, with more integration and interrelationship of techniques and principles. In analyzing thousands of new trial experiences, they present efficient techniques to confront the challenges of evolving admissibility standards and electronic discovery, and ultimately, help attorneys develop cross-examination skills that are critical to trial success. Inside you'll find valuable advice on how to:

- Use opponents' objections as the springboard for deeper and broader cross-examinations.
- Sequence cross-examination to teach the theory of the case in the best way, and to literally expand the rules of admissibility.
- Use "loops" (the practice of incorporating and repeating key phrases and terms in successive questions to the witness) to rename witnesses and exhibits.
- Use "double loops" to discredit opposing expert witnesses.
- Use voir dire to create great jurors
- Use a fact-driven investigation to develop a winning theory
- Use a witness's own words to follow your theme and theory
- Control the runaway witness
- Communicate winning theories in opening, cross, and closing
- Use loops to box in the witness
- Use tactical sequencing to create the most powerful cross
- Convert a witness's silence into admission of fact
- Induce the witness to voice your pre-selected words
- Prepare for devastating impeachment
- Close off any escape routes for the witness
- Punish the evasive or "I don't know" witness
- Control the crying witness
- Use timing, posture, inflection, diction, wording, eye contact, and other effects to emphasize a witness's concession

Effective cross-examination is a science with established guidelines, identifiable techniques, and definable methods. Attorneys can learn how to control the outcome with careful preparation, calculated strategy, effective skills, and a disciplined demeanor. Pozner and Dodd's treatise remains the definitive guide to preparing killer cross-examinations, only from LexisNexis.

## Book Information

File Size: 13202 KB

Print Length: 1080 pages

Publisher: LexisNexis; 2 edition (September 27, 2012)

Publication Date: September 27, 2012

Language: English

ASIN: B00CMTV28Q

Text-to-Speech: Enabled

X-Ray: Not Enabled

Word Wise: Enabled

Lending: Not Enabled

Enhanced Typesetting: Enabled

Best Sellers Rank: #889,260 Paid in Kindle Store (See Top 100 Paid in Kindle Store) #31

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Rules & Procedures > Jury #171 in Kindle Store > Kindle eBooks > Law > Procedures &

Litigation > Civil Procedure

## Customer Reviews

The best thing about this book is its attempt to systematize the difficult and too-often mysticised craft of cross-examination. The worst thing about it is that the authors did not apply the level of thinking that they advocate for cross-examination to the design and content of the book, which is poorly organized, diffuse, and a general nuisance to deal with because of its pervasive shapelessness. It's well worth dealing with the demands of the book because it is the best thought-out discussion of cross-examination in print. ...if you can figure out what the authors are trying to say about how to organize a cross and get through their Rube Goldberg "system" of chapters and rules and topic cards and sequence-of-events charts and page preparations -- I eventually gave up on their explanations and started outlining the book in my own way, upon which the sloppy, ill-considered form stopped mattering and the book's powerful insights into the whole process became comprehensible. Ultimately, examining witnesses at trial is about understanding, eliciting, and explaining facts to people who have to decide where truth lies (so to speak). The authors here give more information about how to do this in more ways than anyone else. If you want to "get" what's in this book, you will have to work hard and deal with stupid obstacles to learning and recurrent barriers to clear communication. Get over it. That's a large part about what getting ready to deal with witnesses at trial is all about anyway. Might as well get the practice in a safe environment. The book seems to be written from the perspective of a primarily criminal-law oriented practice in a jurisdiction in which the lawyers have access to basically all the information that will be presented at trial.

This review is intended as a review specifically of the second edition of Pozner and Dodd's Cross-Examination: Science & Techniques (released 12/2004). Some of the reviews listed for this

edition appear to have been duplicated by .com from reviews of the first edition in 1993. My entire practice was transformed some years ago when I adopted the authors' cross-examination-centered method of case preparation as set out in the first edition of their book (Roger Dodd, by the way, is a co-author of the second edition as well as the first edition). Not surprisingly, because the authors' method enables the lawyer to master case facts quickly and efficiently it is as helpful in negotiating settlements as it is in actually trying cases. I will not say that the techniques are necessarily quick or easy--I can recall spending eight hours laboring over questions for a major cross examination that took exactly one-half hour in court--but it produces stunning, consistent, results. How does the second edition differ from the first edition? Well, the authors appear to have noticed that computers have been invented. The first edition's defiantly Luddite tone emphasizing the usefulness of manual pasteup of criss-cross charts and such has modulated into a respectful acknowledgement of such things as outlining programs and databases. Second, the authors provide many more examples in the second edition of the uses of the methods in complex civil litigation, as opposed to felony criminal trials. Also, although this book is not, and does not pretend to be, a primer on discovery management in document-intensive cases, its presentation of the concepts enables the reader at least to envision how the systems might be applied.

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