

ADVANCED CROSS-EXAMINATION TECHNIQUES

Debaters wanting to improve their cross-examination skills can learn from the tips offered by trial attorneys.

Prefer closed to open-ended questions. A closed question asks for a limited amount of information that can be provided in just a few words. The most limiting type of a closed question is a “yes or no” question: “Will the affirmative plan establish a new federal agency?” But closed questions need not follow a “yes or no” format. A question like “How much will your plan cost?” is also a closed question; it requests a specific unit of information that requires only a few words to provide.

An open-ended question simply provides a prompt to talk without limiting the range of possible answers. Following is an example of an open-ended question: “So what is wrong with relying on oil from the Middle East?” Such a question provides an opportunity to your opponent to reemphasize the points made in the previous speech.

Closed questions have numerous advantages over open-ended ones. First, you can better control the time in cross-examination and because the answers are brief, you can ask many more questions than in the open-ended format. Second, you prevent your opponents from wandering into subject matters of their own choosing. Third, your cross-examination seems well organized and maintains a focus. Although your opponent might answer a closed question with a lengthy, wandering response, the judge will usually see through such methods. By exposing nonresponsiveness, you undermine the credibility of the opposing argument.

Know where you are going before you start. Trial attorneys are told that they should never ask a question to which they don’t already know the answer. Consider a situation in which you are trying to undermine the credibility of a source read by the other team. Open this line of questioning only if you know full well that your source is much better qualified than your opponent’s source.

Ask leading questions. Leading questions are ones that suggest an answer. The most powerful form of a leading question is what attorney Larry Pozner, past president of the National Association of Criminal Defense Lawyers, calls a “declarative question.” A declarative question makes a statement but carries a vocal inflection that identifies it as a question. Suppose you are negative and are trying to establish the link to a spending disadvantage. Consider the following questions:

- Question 1: How will your plan be funded?
- Question 2: So, will your plan be funded from general federal revenues?
- Question 3: Your plan will be funded from general federal revenues?

Question 1 is an open-ended question that threatens to waste time. You should know the answer you want to hear, so suggest it. Question 2 is a leading question. Like all leading