

Direct & X Examination - Francis X Bush

Naturalness & Sincerity are the 2 greatest attributes of a Trial Lawyer.
Law Suits are serious business & a mis track is totally out of place.
Lord Campbell said what made Erskine the greatest trial lawyer
of his time was his complete Sincerity.

Not only does what a lawyer say enter into his Power of
Persuasion, but equally what he does in the Court Room.
One false move in the Court Room cost many a Case.

Story about the Trial in the Old Court House in Chicago. Bush had a
young Harvard Graduate vs him. Old fashioned water Key with Tinsulphur
Howard Boy took Lily Cup from Pocket - jury gave Bush's share \$5000.
Always take to jurors after case is over - stay perfectly proper.
Preparation before trial wins more cases than everything that
is done in the Court Room.

If you know just what your witness is going to testify
to, you will never be surprised during a trial.

Remember 2 out of 3 witnesses have never been in Court before. It is
important that the witness know what you will ask & in what
manner you will ask it & that you know what his answer will be.
It's a good idea to have your witness sit in the Court Room
while waiting for your case to be called in order to get the feel
of the Court Room & see that there is no need to fear anything.
Start off with your witness slow & easy - don't start with
State your name, age, residence & occupation. Both still in

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State your name. Where do you live. Now just where is that? By then the witness feels at home + is at ease.

It is important to put your best witness on first, because the jury has heard nothing of the case + this is their first impression. Remember Lee's catch hell on X + will get twice as much as any other witness, so be sure he can take it + prepare him for it.

Use simple language, always + make sure the jury can hear both you + the witness.

If the witness is capable of it let him testify in narrative form in order to prevent the impression with the jury that either you are testifying or the witness is too well coached.

Avoid anything that will cause an objection because a wrangle between the lawyers breaks the chain of thought in the story between you + your witness.

A leading? is one of the most foolish things a lawyer can do, as having to ask the? 3 or 4 times. By the Court will allow it totally confuses + disgusts the jury.

Try to get your expert witnesses to talk in simple language. If they will not you must be prepared to? him into the terms he uses so as to bring it out in jury language.

X Examination is the most powerful weapon of getting the truth. 90% of successful X Exam comes from Pre-trial Preparation. You should take to every witness in the case. Come + those is you.

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You can never destroy a false story on X Exam unless you got the facts + the goods on the witness + the only way to have this is work. By trial go into his neighborhood. X Exam with the material at hand can be powerful + effective.

w/o " " it often proves worth a waste of time. By documentary proof (books, pamphlets ~~into~~ written by the witness) can so thoroughly contradict the witness's story that he will be glad to withdraw all the testimony he gave on direct. This is an example of destroying the witness on X Exam. The other purpose of X Exam is to destroy the story of the witness. never ask a? on X unless you know what the ans. is going to be.

Don't justly merely go over the direct again because ^{this} gives the jury a double barrel dose of his testimony unfavorable to you. Try to pick the weak points + let these be the high-points of your X Exam.

Never turn a witness loose on X Exam. Try to rephrase your? as to limit the ans. to Yes or No.

Pointless X Exam. Integers, more good cases than anything else. If you can't gain something on X don't X Exam.

If you get a good point brought out on X stop right there.

Never seek to have a witness repeat a favorable answer to you because 9 out 10 times he correct himself + destroy to good point. 2 or 3 good points brought out on X can give the best basis for your argument.