

CROSS-EXAMINATION

The law governing cross-examination is, for the most part, quite simple. First is the right to do it at all. This right is so firmly entrenched in our law that a denial by the court of this right is usually a reversible error, and a witness' refusal to submit to cross-examination usually results in the direct examination of that witness being excluded from evidence.

Second, in Illinois and a majority of other jurisdictions, the scope of cross-examination is limited to the scope of direct. However, as long as a line of questioning reasonably relates to what was testified to on direct examination, it is considered within the scope. Also, this limitation does not prevent an attorney from inquiring into the witness' bias or prejudice or using prior convictions or inconsistent statements to impeach him/her.

Third, the cross-examiner has the right to ask leading questions, which is an important advantage in dealing with adverse witnesses.

Just as important to an effective cross-examination as an understanding of the law and rules of evidence, is a firm idea of your objectives at this state of the trial. Generally, they fall into two broad categories: 1) reducing the effect of direct examination, and 2) developing independent evidence on behalf of your side. There are a number of ways to meet these objectives, which are listed in the impeachment part of the "Rules of Evidence" section of this unit.