

Parent Defense & Direction Examination – Session Summary

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Direct exam allows you to deliver your message to your audience. Tell your story. Control your narrative.

Choose witnesses

- Driven by your case theory. Each witness should advance your theory in at least one way.
- Identify a witness' strengths and weaknesses. Cut anticipated attacks off in advance.

Tell your story

- Use the chapter method to prepare your direct. Chapters can be
 - a place or moment in time (e.g., Harris Teeter the night of June 10), or
 - facts or themes (e.g., childhood bullying, desperation, or lack of sleep).
- Decide the order of your chapters and questions.
 - Chronologically may be appropriate but can also be boring/mimic DSS' case.
 - Maybe start with a theme or issue (e.g., being a young parent) rather than an event.
 - Or move through events non-chronologically (e.g., testifying about what it was like to be separated from the child on his/her birthday).

➔ Tip! Write facts you want brought out in different chapters on separate sheets of paper. Rearrange them to find the most effective sequence. Then create your transition statements and questions.

Question styles

Move beyond "leading questions on cross, open questions on direct." There are degrees to open-ended questions. Ask open but controlled, purposeful questions.

1. Wide open: "Tell us about your family." "Did anything happen that night?"
 - a. Risky (witness could give a harmful or boring response).
2. Less open: "Were you angry that day." "How far from the kitchen were you?"
 - a. Still open, but it allows you to exercise some control over the direction of the response.
3. Close-ended but non-leading: "Did you smell smoke?" "Could you clearly see her?"
 - a. If objections are sustained for leading (even if untrue), retreat to slightly more open, less-directed style questions, then fluctuate. Find the line and walk it.

Your style may vary by witness. For example, you may give a forensic expert more wide-open questions, allowing them to testify freely. Whereas for your client, you may prefer to use more controlled questioning, while still allowing the client's voice to shine through.

Bring scenes to life

- Use transition statements (e.g., "I want to discuss your typical day").
- Incorporate demonstrative evidence (e.g., a map; photograph of room).
- Take your time. Do not just use conclusory questions and move on. Flesh out details.
- Use descriptive words to activate the listener's five senses (e.g., I want to talk about what it was like to be at the emergency room with your child. What did you see there? How did it smell? How did you feel? What thoughts went through your head while you waited to see a doctor?)

Prepare

Practice testimony with witnesses, out loud, whenever possible. Help each other be more effective. Explain their purpose. Simulate trial so they are not surprised by the feeling of pressure in court.