



Direct Examinations Preparation #2

Direct Examinations - Preparation #2

For this exercise demonstration, we will introduce Audrey MacIsaac to the Court using the format in the body of the post.

Who? Audrey lives in Paisley and is a long-term friend of the Pursuer (Plaintiff), May Donoghue.

What can go wrong? Audrey might bend her testimony to favour her friend.

HL. Hello, Ms. MacIsaac. First, I want to discuss how you know May Donoghue.

BOQ. Please tell me about yourself.

Expected A. May and I have known each other since before we married. We kept in touch after she moved to Glasgow, and we became quite close after her husband died.

- FU1. How did you meet?
- FU2. How often did you see each other?
- FU3. How did that change in the past few years?
- FU4: How have you kept in touch since the incident at the Wellmeadow Café?
- HL. Now let's discuss your plans for the weekend when the incident occurred.

Discussion: All witnesses need an introduction. It is unusual for counsel to ask, 'Given your friendship, how do we know you are telling the truth?' The Defender's lawyer may go there, so you should discuss the question and Audrey's answer in preparation. If there is something unusual in the proposed response, you might want to canvas that in this sequence.

Exercise for subscribers

Prepare the Q&A in the same format for May, Mr. Minchella and Mr. Stevenson, making up any facts that you think are necessary. How could the Pursuer's lawyer exploit the attributes of the witness to attack credibility?