



Direct Examinations Preparation #4

Direct Examinations - Preparation #4

For this demonstration, we will turn the outline of the direct examination of Mr. Minchella into a questions outline.

1. The Element is that a friend of a customer of Minchella consumed ginger beer in the Café.
2. The Theme is that this case has too many uncertainties to pin the blame on Stevenson.
3. The Scene is Minchella serving the dish and pouring some ginger beer onto the ice cream.
4. The first Point to make in the Scene is that Audrey was the customer, not May. That fact may not seem material today, but it certainly was in 1930s Scotland.

Here is the outline of a direct examination. Remember that we won't cover the 'bad facts' or the inoculation until a later episode.

HL1: Now, I want to discuss how you served your customer in your café.

BOQ: Tell me about what happened after you seated them.

FU1: Who made the reservation?

FU2: Who did you recognize as they entered the café?

FU3: Who placed the order?

HL2: Now, I want to discuss the order that Miss MacIsaac placed with you.

Discussion: This question sequence allows the witness to explain how and why the Court should consider Audrey the customer and the contracting counterparty. Baby steps – we are only making one Point on the list. If you make each Point in an order you deem correct, you will create the structure that sets you up to prevail.

Exercise for subscribers

Prepare the Question Outline in the same format as above to cover the Five-and-Out sequences for all the points identified in the exercise for the previous episode, Direct Examinations Preparation #3.