

# Index

## **ADVERSE WITNESSES**

Hostile and Adverse Witnesses

## **AGE**

Generally, § 13:13

Children as Witnesses, this index

## **APPROVAL**

Expert witnesses, approval by client  
of retention of experts, § 20:4

## **ARBITRATION**

Generally, § 16:1 to 16:10

Client, preparation of, § 16:8

Cross-examination, preparation for,  
§ 16:10

Ethics, § 16:9

Expertise, obtaining assistance of  
witness with relevant, § 16:6

Law of evidence, continuing concern  
with, § 16:3, 16:4

Order of witnesses, § 16:7

Pretrial discovery, absence of, § 16:5

Purpose, processes, participants and  
sequence, § 1:9

Selection of witnesses, § 16:7

Types of testimonial appearances,  
§ 8:8

Witnesses, § 1:14

## **ARGUMENTS**

Effective testimony, arguing with  
attorney, § 15:11

## **ATTENTIVENESS**

Interviews of witnesses, § 11:20

## **ATTORNEYS**

Advice. Attorneys, Advice for, this  
index

Attorneys as Witnesses, this index  
Work product doctrine, § 13:19,  
13:20

## **ATTORNEYS, ADVICE FOR**

Generally, § 14:1 to 14:16

## **ATTORNEYS, ADVICE FOR**

### **—Cont'd**

Analysis of facts and information,  
§ 14:8

Communications between witness  
and adversary, § 14:15

Cooperative relationship with wit-  
nesses, establishment of,  
§ 14:13

Demonstrative evidence, § 14:10,  
14:11

Deposition, preparation for, § 14:3 to  
14:5

Documentary evidence, § 14:10,  
14:11

Gathering of facts, § 14:7

Master the facts, generally, § 14:6 to  
14:16

Matching witnesses with facts,  
§ 14:12

Necessity of mastering of facts,  
§ 14:6

Testimonial appearances at deposi-  
tion and trial, § 14:2

Theory of case, building of, § 14:9

Tricks by adversary, preparation for,  
§ 14:14

Unexpected witnesses, § 14:16

VIP witnesses, § 14:4

## **ATTORNEYS AS WITNESSES**

Generally, § 9:15 to 9:21

Advocate as witness, § 9:19

Legal expert witnesses, § 9:18

Opposing counsel as witness, § 9:21

Testimonial competence, lack of,  
§ 6:6

## **AUTHENTICATION**

Direct Examination, this index

## **BEHAVIORS OR CHARACTERISTICS**

Types of witnesses, § 4:8

**BEST PRESENT RECOLLECTION**

Effective testimony, § 15:5

**BUSINESS RECORDS**

Direct examination, authentication,  
§ 23:9

**CAPACITY OF WITNESSES**

Persons who can be witnesses, § 6:4,  
6:7

**CHARACTERISTICS OR  
BEHAVIORS**

Types of witnesses, § 4:8

**CHARACTER WITNESSES**

DUI proceedings, § 15:23

**CHILDREN AS WITNESSES**

Generally, § 9:9 to 9:12

Closed circuit television, use of,  
§ 9:11

Direct examination, § 23:2

Special considerations, § 9:10

Threshold questions and issues, § 9:9

Trauma, minimization during  
testimony, § 9:12

**CLARIFICATION**

Effective testimony, clarification of  
question by attorney, § 15:10

**CLARITY OF SPEECH**

Effective testimony, § 15:6

**CLIENTS AS WITNESSES**

Generally, § 9:2 to 9:8

Civil actions, § 9:3

Criminal accused, § 9:4, 9:5

Dissemble, clients who, § 9:6 to 9:8

Multiple criminal accuseds, § 9:5

**CLOSED CIRCUIT TELEVISION**

Children as witnesses, § 9:11

**COACHING**

Ethics, improper influencing or  
coaching, § 2:4

**COMMON LANGUAGE**

Effective testimony, § 15:6

**COMMUNICATION**

Persons who can be witnesses, ability  
to communicate, § 6:13

**COMPETENCY OF WITNESSES**

Persons who can be witnesses, § 6:5,  
6:6

**CONCENTRATION**

Interviews of witnesses, § 11:20

**CONCLUSIONS**

Expert witnesses, § 20:13

**CONFIDENCE OF WITNESS**

Interviews of witnesses, § 11:6

**CONSENT**

Expert witnesses, approval by client  
of retention of experts, § 20:4

**CONSULTANT**

Expert witness as consultant, § 20:8

**CONTRADICTIONS**

Direct examination, advice to wit-  
ness, § 17:7

**CONTROL**

Cross-examination, maintenance of  
control, § 18:12

Interviews of witnesses, control of  
interview and witness, § 11:10

Types of witnesses, controllability of  
witness, § 4:11

**CORPORATE EXECUTIVES AS  
WITNESSES**

Generally, § 9:22 to 9:24

Adequacy of preparation, § 9:24

Direct examination, laying of founda-  
tion, § 23:16

Selection of representative, § 9:23

**CORRECTION OFFICERS**

Direct examination, § 23:3

**COSTS**

Trial notebooks, § 3:8

**COUNSEL**

Attorneys, this index

**COURTESY**

Effective testimony, § 15:12

## INDEX

### **CREDIBILITY OF WITNESSES**

- Direct examination, advice to witness, § 17:7
- Testing of credibility and perception, § 13:10
- Types of witnesses, § 4:12

### **CRIMINAL LAW**

- Clients as witnesses, criminal accused, § 9:4, 9:5
- Trial notebooks, checklists, § 3:6
- Types of testimonial appearances, § 8:7

### **CROSS-EXAMINATION**

- Generally, § 18:1 to 18:18, 24:1 to 24:4
- Ability to perceive, recall and relate, § 18:7
- Arbitration, § 16:10
- Control, maintenance of, § 18:12
- Demeanor of witness, § 18:13
- Direct examination, distinguished, § 15:17
- Discipline, maintenance of, § 18:12
- DUI proceedings, § 18:18
- Expert witnesses, § 20:14
- Forms of interrogation, § 18:10
- Impeachment of witness, § 18:7 et seq., 24:4
- Leading questions, anticipation of shift to, § 18:4
- Nature, § 18:3
- Objections, § 18:14
- Pinning witness down, § 18:6
- Preemption of impeaching material, § 18:17
- Prior inconsistent statements, § 18:11, 24:2, 24:3
- Refreshing recollection, impeachment, § 24:4
- Rehearsal, § 18:16
- Scope, § 18:3
- Testing of direct examination, § 18:5, 18:6
- Trick questions, § 18:9

### **CT SCAN INJURIES**

- Expert witnesses, checklist, § 20:16

### **DEMEANOR**

- Cross-examination, § 18:13

### **DEMONSTRATIVE EVIDENCE**

- Attorney, advice for, § 14:10, 14:11

### **DEPOSITIONS**

- Attorney, advice for, § 14:3 to 14:5
- Purpose, processes, participants and sequence, § 1:7
- Types of testimonial appearances, § 8:3
- Witnesses, § 1:12

### **DIRECT EXAMINATION**

- Generally, § 17:1 to 17:18, 23:1 to 23:17
- Analysis of available evidence and information, § 17:3
- Authentication
  - documents, use and authentication, below
  - tangible objects, § 23:10
- Business records, authentication, § 23:9
- Child witnesses, § 23:2
- Clues and cues, picking up, § 17:16
- Contradictions, advice to witness about, § 17:7
- Corporate witnesses, laying of foundation, § 23:16
- Correction officers, § 23:3
- Credibility, advice to witness about, § 17:7
- Cross-examination, distinguished, § 15:17
- Documents, use and authentication
  - generally, § 17:14, 23:8, 23:9
  - business records, § 23:9
  - personal documents, § 23:8
- Easy questions that personalize witness, § 17:9
- Expert and opinion witnesses
  - generally, § 23:4 to 23:7, 23:14, 23:15
  - checklist, § 23:7
  - lay witness opinions, § 23:15
  - motorcycle products liability action, § 23:17

## **DIRECT EXAMINATION—Cont'd**

- Expert and opinion witnesses
  - Cont'd
    - MTBE contamination of water, § 23:6
    - structural engineering, § 23:5
- Lay witness opinions, § 23:15
- Leading questions, § 17:15
- Memory lapses
  - generally, § 17:11 to 17:13, 23:11, 23:12
  - past recollection recorded, § 17:13, 23:12
  - refreshed recollection, § 17:12, 23:11
- Motorcycle products liability action, expert witnesses, § 23:17
- MTBE contamination of water, expert witnesses, § 23:6
- Opinion witnesses. Expert and opinion witnesses, above
- Outline, use to prepare witness, § 17:6
- Past recollection recorded, § 17:13, 23:12
- Personal documents, authentication, § 23:8
- Persuasive direct examination, development of, § 17:8
- Planning of direct examination, § 17:5
- Redirect examination, § 17:18
- Refreshed recollection, § 17:12, 23:11
- Rehearsal, § 17:17
- Semantics, § 17:10
- Structural engineering, expert witnesses, § 23:5
- Summary of voluminous documents, § 23:13
- Theory of case, development of, § 17:4
- Trial strategy as preface to preparation, § 17:2

## **DISCIPLINE**

- Cross-examination, maintenance of discipline, § 18:12

## **DISCOVERY**

- Arbitration, absence of pretrial discovery, § 16:5
- Depositions, this index
- Interviews of witnesses, discoverability of interview content, § 11:11
- Pretrial discovery of trial preparation, § 13:18
- Records and recordings, pretrial discovery of trial preparation, § 13:18

## **DOCUMENTS AND**

### **DOCUMENTARY EVIDENCE**

- Generally, § 13:9
- Attorney, advice for, § 14:10, 14:11
- Direct Examination, this index
- Foundation witnesses, § 4:23

## **DRIVING UNDER THE INFLUENCE**

- Character witnesses, § 15:23
- Cross-examination, § 18:18

## **EFFECTIVE TESTIMONY**

- Generally, § 15:1 to 15:13
- Arguing with attorney, § 15:11
- Best present recollection, answer with, § 15:5
- Clarification of question by attorney, § 15:10
- Clarity of speech, § 15:6
- Common language, use of, § 15:6
- Courtesy, § 15:12
- Lack of knowledge, faulty recollection or error, acknowledgment of, § 15:9
- Memory, testimony from, § 15:7
- Neutrality, appearance of, § 15:13
- Out thinking of attorney, § 15:11
- Pause and think before giving response, § 15:8
- Question asked, only answer, § 15:4
- Spontaneity of speech, § 15:7
- Truthful answers, § 15:3
- Understanding of questions, § 15:4

## **EGOCENTRIC AND MEGALOMANIACAL WITNESSES**

- Generally, § 4:18

## INDEX

### ETHICS

- Generally, § 2:1 to 2:6
- Arbitration, § 16:9
- Checklists, § 2:6
- Extent of preparation, § 2:2
- Improper influencing or coaching, § 2:4
- Limitations on preparation, § 2:3
- Obligation to prepare witnesses, § 2:1
- Opening statements, § 2:5
- Vouching, improper, § 2:5

### EXPECTATIONS

- Reasonable expectations, maintenance of, § 10:5

### EXPERT AND OPINION WITNESSES

- Generally, § 20:1 to 20:17
- Acting and communicating, § 20:11
- Admissibility of expert testimony, § 20:10
- Approval by client of retention of experts, § 20:4
- Communicating and acting, § 20:11
- Conclusions, § 20:13
- Consultant, expert as, § 20:8
- Cross-examination, § 20:14
- CT scan injuries, checklist, § 20:16
- Direct Examination, this index
- Hypotheticals, § 20:13
- Inferences, § 20:13
- In limine motion to preclude expert testimony, § 20:15
- Legal expert witnesses, § 9:18
- Materials, review of, § 20:12
- Opinions, § 20:13
- Persons Who Can be Witnesses, this index
- Purpose, § 20:2
- Qualification of expert as witness, § 20:9
- Relationship between attorney and expert, § 20:7
- Selection of expert, § 20:5, 20:6
- Telephone Consumer Protection Act, checklist, § 20:17
- Time to retain expert witness, § 20:3

### EXPERT AND OPINION WITNESSES—Cont'd

- Types of witnesses, § 4:3

### EYEWITNESSES

- Psychology, this index

### FACT WITNESSES

- Persons who can be witnesses, § 6:2
- Types of witnesses, § 4:2

### FAMILY LAW

- Trial notebooks, checklists, § 3:5

### FOREIGN LANGUAGE WITNESSES

- Decision whether to use interpreter, § 9:25
- Use of interpreter, § 9:25, 9:26

### GRAND JURY PROCEEDINGS

- Generally, § 21:1 to 21:7
- Function, § 21:2
- Private lawyer learns client has been called to testify, § 21:4
- Prosecution witnesses, § 21:3
- Purpose, processes, participants and sequence, § 1:8, 21:2
- Retention by grand jury witness, first actions, § 21:5
- Target or subject, representation of, § 21:6
- Types of testimonial appearances, § 8:6
- Witnesses, § 1:13

### HESITANT AND NERVOUS WITNESSES

- Generally, § 4:16

### HOSTILE AND ADVERSE WITNESSES

- Generally, § 4:20, 4:21
- Records and recordings, protection of client and case, § 4:21

### HUSBAND AND WIFE

- Spouses as Witnesses, this index

### HYPNOSIS

- Persons Who Can be Witnesses, this index

**HYPOTHETICAL QUESTIONS**

Expert witnesses, § 20:13  
Interrogation basics, § 12:6

**IDENTIFICATION**

Prerequisites to preparation,  
identification of potential witnesses, § 5:5

**IMPEACHMENT OF WITNESS**

Cross-Examination, this index

**IMPORTANCE**

General discussion, § 1:1  
Human being, witness as, § 10:1

**INFERENCES**

Expert witnesses, § 20:13

**INFLUENCE**

Ethics, improper influencing or  
coaching, § 2:4

**IN LIMINE MOTION**

Expert witnesses, preclusion of,  
§ 20:15

**INSTRUCTIONS**

Persons who can be witnesses, ability  
to follow instructions, § 6:14

**INTERPRETERS**

Foreign Language Witnesses, this  
index

**INTERROGATION BASICS**

Generally, § 12:1 to 12:10  
Adapt interrogation to witness,  
§ 12:2  
Hypothetical questions and alternative, § 12:6  
Leading questions, § 12:5  
Number of witnesses, § 12:9  
Open or narrative questions, § 12:4  
Order of witnesses, § 12:10  
Two-in-one questions, § 12:7  
Two patterns of basic questioning,  
§ 12:3  
Understanding by witness of his part,  
§ 12:8

**INTERVIEWS OF WITNESSES**

Generally, § 11:1 to 11:24

**INTERVIEWS OF WITNESSES**

**—Cont'd**

Attentiveness and concentration,  
§ 11:20  
Concentration and attentiveness,  
§ 11:20  
Conduct of interview, § 11:7  
Confidence of witness, building of,  
§ 11:6  
Control of interview and witness,  
§ 11:10  
Discoverability of interview content,  
§ 11:11  
Final considerations, § 11:23  
Four phases of process, § 11:12 to  
11:16  
Goals of interview, § 11:2  
Hasty judgments, avoidance of,  
§ 11:22  
Information gathering and witness  
preparation, distinguished,  
§ 11:3  
Initial interview, § 13:6  
Listening and observing  
generally, § 11:19 to 11:21  
concentration and attentiveness,  
§ 11:20  
unintentional distortions, noting of,  
§ 11:21  
Memorializing of interview. Records  
and recording, this index  
Mental notes, making of, § 11:17,  
11:18  
Observing. Listening and observing ,  
above  
Outline areas to inquire about, § 13:8  
Place of interview, § 11:4  
Process of interview, § 11:2  
Psychology, this index  
Self preparation of witness, § 11:5  
Time of interview, § 11:4  
Two approaches, § 11:9  
Unintentional distortions, noting of,  
§ 11:21

**JUDGES**

Persons who can be witnesses, lack  
of testimonial competence, § 6:6

## INDEX

### **JURORS**

Persons who can be witnesses, lack of testimonial competence, § 6:6

### **KNOWLEDGE**

Effective testimony, acknowledgment of lack of knowledge, § 15:9

### **LAWYERS**

Attorneys, this index

### **LAY WITNESS OPINIONS**

Direct examination, § 23:15

### **LEADING QUESTIONS**

Cross-examination, § 18:4  
Direct examination, § 17:15  
Interrogation basics, § 12:5

### **LISTENING**

Interviews of Witnesses, this index

### **LITIGATION PROCESS**

Generally, § 15:14 to 15:22  
Checklist, § 15:22  
Direct examination and cross-examination, difference between, § 15:17  
Explanation of proceedings, § 15:16  
Favorable impression, creation of, § 15:20  
Nature of proceedings, § 15:15  
Objections and reaction of witness, § 15:19  
Questions of witness, answering of, § 15:21  
Time and space, testimony about, § 15:18

### **LOCATION**

Place or Location, this index

### **MARITAL PRIVILEGES**

Generally, § 9:14

### **MEGALOMANIACAL OR EGOCENTRIC WITNESSES**

Generally, § 4:18

### **MEMORIALIZING OF INTERVIEW AND PREPARATION SESSIONS**

Records and Recordings, this index

### **MEMORY**

Direct Examination, this index  
Effective testimony  
acknowledgment of faulty recollection or error, § 15:9  
testimony from memory, § 15:7  
Past Recollection Recorded, this index  
Persons Who Can be Witnesses, this index  
Refreshed Recollection, this index

### **MOTIONS**

Types of testimonial appearances, hearings on litigated motions, § 8:4

### **MOTORCYCLES**

Direct examination, products liability action, expert witnesses, § 23:17

### **MTBE CONTAMINATION OF WATER**

Direct examination, expert witnesses, § 23:6

### **NARRATIVE OR OPEN QUESTIONS**

Interrogation basics, § 12:4

### **NERVOUS AND HESITANT WITNESSES**

Generally, § 4:16

### **NEUTRAL WITNESSES**

Generally, § 4:22  
Effective testimony, appearance of neutrality, § 15:13

### **NOTEBOOKS**

Trial Notebooks, this index

### **NUMBER OF WITNESSES**

Interrogation basics, § 12:9

### **OBJECTIONS**

Cross-examination, § 18:14  
Litigation process, objections and reaction of witness, § 15:19

### **OBSERVING**

Interviews of Witnesses, this index

**OBSTINATE WITNESSES**

Generally, § 4:17

**OPENING STATEMENTS**

Ethics, § 2:5

**OPEN OR NARRATIVE  
QUESTIONS**

Interrogation basics, § 12:4

**OPINION WITNESSES**

Expert and Opinion Witnesses, this  
index

**ORDER OF WITNESSES**

Arbitration, § 16:7

Interrogation basics, § 12:10

**OUTLINES**

Direct examination, use to prepare  
witness, § 17:6

**PARTICIPANTS**

Generally, § 1:5 to 1:9

**PAST RECOLLECTION  
RECORDED**

Direct examination, § 17:13, 23:12

Rehearsals, § 17:13

**PERCEPTION OF WITNESSES**

Persons who can be witnesses, capac-  
ity to perceive, § 6:7

Testing of credibility and perception  
generally, § 13:10 to 13:12  
behavior, § 13:12  
content, § 13:11

**PERSONAL DOCUMENTS**

Direct examination, authentication,  
§ 23:8

**PERSONAL INJURIES**

Trial notebooks, checklists, § 3:4

**PERSONAL TREATMENT**

Generally, § 10:2

**PERSONS WHO CAN BE  
WITNESSES**

Generally, § 6:1 to 6:21

Admissibility of expert testimony,  
§ 6:19, 6:21

**PERSONS WHO CAN BE  
WITNESSES—Cont'd**

Attorneys, lack of testimonial compe-  
tence, § 6:6

Capacity of witnesses, § 6:4, 6:7

Communicate, ability to, § 6:13

Competency of witnesses, § 6:5, 6:6

Desirability or necessity of expert  
testimony, § 6:18

Expert witnesses

Generally, § 6:17 to 6:21

admissibility of expert testimony,  
§ 6:19, 6:21

determination of admissibility by  
trial court, § 6:19

necessity or desirability of expert  
testimony, § 6:18

personal qualifications of expert  
witness, § 6:20

Fact witnesses, § 6:2

Hypnosis to refresh recollection  
generally, § 6:9 to 6:12

admissibility of testimony, § 6:11  
guidelines to preparation of wit-  
nesses, § 6:12

Instructions, ability to follow, § 6:14

Judges, lack of testimonial compe-  
tence, § 6:6

Jurors, lack of testimonial compe-  
tence, § 6:6

Memory. Hypnosis to refresh recol-  
lection, above

Necessity or desirability of expert  
testimony, § 6:18

Perceive, capacity to, § 6:7

Personal qualifications of expert wit-  
ness, § 6:20

Privileges, § 6:15, 6:16

Recall, ability to  
generally, § 6:8 to 6:12

hypnosis to refresh recollection,  
above

Refreshing recollection. Hypnosis to  
refresh recollection, above

Understand, ability to, § 6:14

**PLACE OR LOCATION**

Generally, § 13:1, 13:2

## INDEX

### **PLACE OR LOCATION—Cont'd**

- Interviews of witnesses, place of interview, § 11:4
- Potential witness, locating of, § 13:1, 13:2

### **PLEA BARGAIN**

- Effect of good preparation, § 1:2

### **PREEMPTION**

- Cross-examination, preemption of impeaching material, § 18:17

### **PREREQUISITES TO PREPARATION**

- Generally, § 5:1 to 5:7
- Desirable witnesses, § 5:7
- Identification of potential witnesses, § 5:5
- Legally sufficient claims or defenses of client, § 5:2
- Necessary witnesses, § 5:6
- Preliminary fact investigation and document review, § 5:3
- Preliminary litigation plan, § 5:4

### **PRESENCE**

- Schedules, presence of others, § 13:5

### **PRIOR INCONSISTENT STATEMENTS**

- Cross-examination, § 18:11, 24:2, 24:3

### **PRIVILEGES**

- Persons who can be witnesses, § 6:15, 6:16

### **PROPHYLACTIC MEASURES**

- Generally, § 13:15

### **PSYCHOLOGY**

- Generally, § 7:1 to 7:11
- Distortion of eyewitness testimony, § 7:11
- Eyewitnesses
  - generally, § 7:9 to 7:11
  - distortion of eyewitness testimony, § 7:11
  - witnesses see what lawyers want them to see, § 7:10
- Interviews of prospective witnesses
  - generally, § 7:4 to 7:8

### **PSYCHOLOGY—Cont'd**

- Interviews of prospective witnesses—Cont'd
  - how to ask, § 7:7
  - what to ask, § 7:6
  - when to ask, § 7:8
- Preparation of witnesses, § 7:3 et seq.
- Selection of witnesses, § 7:2

### **PURPOSE AND PROCESSES**

- Generally, § 1:5 to 1:9, 10:4
- Arbitrations, § 1:9
- Depositions, § 1:7
- Grand jury proceedings, § 1:8
- Trial, § 1:6

### **QUALIFICATION**

- Expert witnesses, § 20:9

### **RECORDS AND RECORDINGS**

- Attorney work product doctrine, § 13:19, 13:20
- Hostile witnesses, protection of client and case from, § 4:21
- Memorializing of interview and preparation sessions
  - generally, § 11:24, 13:14 to 13:22
  - attorney work product doctrine, § 13:19, 13:20
  - considerations concerning recording of interview, § 13:17
  - experienced litigators, practices of, § 13:16
  - hostile witnesses, protection of client and case from, § 4:21
  - pretrial discovery of trial preparation, § 13:18
- Pretrial discovery of trial preparation, § 13:18

### **REDIRECT EXAMINATION**

- Direct examination, § 17:18

### **REFRESHED RECOLLECTION**

- Cross-examination, impeachment, § 24:4
- Direct examination, § 17:12, 23:11
- Rehearsals, § 17:12

### **REHEARSALS**

- Generally, § 19:1 to 19:8

**REHEARSALS—Cont'd**

- Courtroom visit for client and witnesses, § 19:3
- Cross-examination, § 18:16
- Direct examination, § 17:17
- Final instructions to witnesses, § 19:7
- Formats, § 19:4
- Past recollection recorded, § 17:13
- Refreshed recollection, § 17:12
- Setting, § 19:2
- Structure, § 19:5

**RELATIONSHIP TO PARTIES**

- Types of witnesses, § 4:6

**RELUCTANT WITNESSES**

- Generally, § 4:19

**SCHEDULES**

- Generally, § 13:3 to 13:5
- Considerations of time and schedule, § 10:3
- Presence of others, § 13:5
- Trial, how long before, § 13:4

**SELECTION OF WITNESSES**

- Arbitration, § 16:7
- Corporate executives as witnesses, selection of representative, § 9:23
- Expert witnesses, selection of, § 20:5, 20:6
- Psychology, § 7:2
- Values bearing on witness selection, § 4:9

**SELF PREPARATION OF WITNESS**

- Generally, § 11:5

**SEMANTICS**

- Direct examination, § 17:10

**SEQUENCE**

- Generally, § 1:5 to 1:9

**SETTLEMENT**

- Effect of good preparation, § 1:2

**SIMILARITY**

- Witnesses as alike, § 1:3

**SPAM**

- Telephone Consumer Protection Act, expert witnesses, § 20:17

**SPONTANEITY**

- Effective testimony, spontaneity of speech, § 15:7

**SPOUSES AS WITNESSES**

- Generally, § 9:13
- Marital privileges, § 9:14

**STRUCTURAL ENGINEERING**

- Direct examination, expert witnesses, § 23:5

**SUBJECT**

- Grand jury proceedings, representation of target or subject, § 21:6

**SUMMARY OF VOLUMINOUS DOCUMENTS**

- Direct examination, § 23:13

**TARGET**

- Grand jury proceedings, representation of target or subject, § 21:6

**TELEPHONE CONSUMER PROTECTION ACT**

- Expert witnesses, checklist, § 20:17

**THEORY OF CASE**

- Attorney, advice for, § 14:9
- Direct examination, development of theory, § 17:4

**TIME**

- Commencement of preparation, § 1:4
- Considerations of time and schedule, § 10:3
- Expert witnesses, time to retain, § 20:3
- Interviews of witnesses, § 11:4
- Litigation process, testimony about time and space, § 15:18

**TRAUMA**

- Children as witnesses, minimization during testimony, § 9:12

**TRIAL NOTEBOOKS**

- Generally, § 3:1 to 3:8, 13:7

## INDEX

### **TRIAL NOTEBOOKS—Cont'd**

- Checklists
  - generally, § 3:4 to 3:7
  - criminal law, § 3:6
  - family law, § 3:5
  - personal injuries, § 3:4
  - sample index for general litigation, § 3:67
- Contents, § 3:2
- Costs, § 3:8
- Development, § 3:3

### **TRIALS**

- Purpose, processes, participants and sequence, § 1:6
- Types of testimonial appearances, § 8:5, 8:7
- Witnesses, § 1:11

### **TRICKS**

- Attorney, advice for, § 14:14
- Cross-examination, § 18:9

### **TRUTH**

- Effective testimony, truthful answers, § 15:3

### **TYPES OF TESTIMONIAL**

#### **APPEARANCES**

- Generally, § 8:1 to 8:8
- Arbitrations, § 8:8
- Civil litigation, § 8:2
- Civil trials, § 8:5
- Criminal trials, § 8:7
- Depositions, § 8:3
- Grand jury proceedings, § 8:6
- Motions, hearings on litigated, § 8:4

### **TYPES OF WITNESSES**

- Generally, § 4:1 to 4:23
- Adverse and hostile witnesses, § 4:20, 4:21
- Behavior or characteristic, witness defined by, § 4:8
- Characteristic or behavior, witness defined by, § 4:8
- Controllability of witness, § 4:11
- Credibility of witness, § 4:12
- Document foundation witnesses, § 4:23
- Effectiveness of witness, § 4:10

### **TYPES OF WITNESSES—Cont'd**

- Egocentric and megalomaniacal witnesses, § 4:18
- Expert witnesses, § 4:3
- Fact witnesses, § 4:2
- Function or role, witness defined by, § 4:7
- Glossary, § 4:5
- Handling of or dealing with witnesses
  - generally, § 4:14 to 4:21
  - adverse and hostile witnesses, § 4:20, 4:21
  - hesitant and nervous witnesses, § 4:16
  - megalomaniacal or egocentric witnesses, § 4:18
  - obstinate witnesses, § 4:17
  - reluctant witnesses, § 4:19
  - verbose witnesses, § 4:15
- Hesitant and nervous witnesses, § 4:16
- Hostile and adverse witnesses, § 4:20, 4:21
- Matter in dispute, witness defined by, § 4:7
- Megalomaniacal or egocentric witnesses, § 4:18
- Memorialized statements, protection of client and case from hostile witnesses, § 4:21
- Nervous and hesitant witnesses, § 4:16
- Neutral witnesses, § 4:22
- Obstinate witnesses, § 4:17
- Personal characteristics of witness, § 4:13
- Protection of client and case from hostile witnesses, § 4:21
- Reasons to classify witnesses, § 4:4
- Relationship to parties, witness defined by, § 4:6
- Reluctant witnesses, § 4:19
- Role or function, witness defined by, § 4:7
- Values bearing on witness selection, § 4:9
- Verbose witnesses, § 4:15