
PREFACE

To construct this book I had the delightful task of reviewing almost forty years of trial wisdom, otherwise known as *Litigation Magazine*. I culled all of the articles on the topic of cross-examination and then selected a group of essays which collectively covered all aspects of the art. What I did not realize until later was how these pieces read together resemble a vigorous conversation on the art of cross-examination amongst skilled advocates, judges and law professors, sometimes agreeing and occasionally disagreeing and contradicting each other. But as Walt Whitman wrote in his poem, *Song of Myself*: "Do I contradict myself? Very well then I contradict myself, (I am large, I contain multitudes)."

Cross-examination is also a fertile source of war stories for trial lawyers. One of my favorites was told by the English barrister, author and playwright, John Mortimer.¹ Mortimer said that his father, a divorce barrister, used a dramatic pause before he started cross-examining.

My father used to count up to 20 before he started. It made him look as though he was thinking up something devastating. When I copied the technique, and started counting up to 20, the judge said, "For Christ's sake get on with it. I don't want to sit here waiting while you stand in silent prayer."

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1. Robert F. Hanley, A Conversation with John Mortimer, *Litigation Magazine*, Vol. 15, No. 2, Winter 1989.