

# Note

For purposes of our classroom trials, you may need to modify the exact questions (e.g., when you have prior testimony instead of a prior statement). Plus I'm not worried about the formalities. But the basic steps here are a great model.--JG

## Iowa State Mock Trial

### Impeachment

#### **General purpose:**

To hurt the credibility of an opposing witness or to bring in evidence that the witness will not admit.

#### **When to use:**

When a witness contradicts their affidavit. They can either directly contradict something they said in the affidavit. If impeaching over something said on direct examination, it should be done at the very beginning of the cross examination.

#### **When not to use:**

Do not impeach for trivial information. Any information that does not give the opposing team an advantage is not worth impeaching over.

#### **Structure:**

##### **1. Make witness restate inaccurate testimony**

“Is it your testimony today that \_\_\_\_?”

##### **2. Lay foundation for affidavit**

- a. “You gave a statement prior to trial today, correct?”
- b. “And while giving this statement, you were under oath?”

##### **3. Approach the witness**

- a. “Your honor, may I approach the witness?”
- b. If impeaching by contradiction, “Let the record reflect that I will be referring to the witness’s affidavit, lines \_\_\_\_.”

##### **4. Question witness**

- a. “This is your affidavit, isn’t it?”
- b. “This is your signature on the last page?”
- c. If impeaching by contradiction, “Please read silently as I read aloud, (read inconsistent information). It says that, doesn’t it?”