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The Art Of Questioning: Thirty Maxims Of Cross Examination (PAPERBACK)



Synopsis

Originally published: New York: Macmillan Publishing Co., [1987]. xxxiii, 122 pp. Written for seasoned attorneys, novices and laymen, this classic essay reveals, step by step, how lawyers and non-lawyers can learn to ask the right question and get the answer they want. Useful beyond his stated purpose, Brown shows how effective inquiry is a skill that can be learned to gain success in almost any line of endeavor.

Book Information

Paperback: 155 pages

Publisher: The Lawbook Exchange, Ltd. (January 1, 2008)

Language: English

ISBN-10: 1584778636

ISBN-13: 978-1584778639

Product Dimensions: 6 x 0.4 x 9 inches

Shipping Weight: 9.6 ounces (View shipping rates and policies)

Average Customer Review: 3.7 out of 5 stars [See all reviews](#) (7 customer reviews)

Best Sellers Rank: #1,559,616 in Books (See Top 100 in Books) #76 in [Books > Law > Rules & Procedures > Jury](#) #305 in [Books > Law > Rules & Procedures > Trial Practice](#) #834 in [Books > Law > Rules & Procedures > Courts](#)

Customer Reviews

This book should be required reading for all trial advocates. It reveals, step by step, how both lawyers and non-lawyers can ask the right question and to get the answer they want. Effective inquiry, Mr Brown concludes, is a skill that can be learned to gain success in almost every line of endeavour. The key to the teaching of this art of questioning was the deep study of the various techniques employed by those professional masters who spent their lifetime developing incisive, searching questions for their law cases. As Sir Francis Bacon said, "A prudent question is one half of wisdom". Keep in mind that all questions need not be dead serious. We deserve some fun in life. Try to formulate and, if you can, write down your question. Keep it short and hone your inquiry. Leave out elliptical clauses, qualifying phrases, asides, irrelevancies, jokes and historical quotes and references. Go for the jugular. At the least, review your question two or three times in your head, including your emphasis. Cross-examination is the keenest test of truth and more penetrating than an affidavit. Emory R Buckner, a noted advocate, emphasized that preparation (or getting all the relevant facts before the start of the contest) was the trial's single most important event. Stated

in its barest terms, Mr Brown's thesis is that if the witness hasn't hurt you, don't cross-examine. If you do cross-examine, have a specific objective in mind - prepare thoroughly to achieve your objective, and once you have accomplished it, sit down. Digest this book and your advocacy skills will increase dramatically.

As a student of the art of advocacy, I had read several articles or columns by the author. I ordered this without knowing quite what I'd get. I think that Peter Megaree Brown passes along a lot of solid advice. But whether one agrees with all of his maxims or not, Mr. Brown's storytelling is enchanting and his observations illuminating. The author recounts, among many other first-hand experiences, that when he was a young law clerk, Learned Hand used to come downstairs periodically to share with the law clerks his thoughts about successful advocacy. Hearing Judge Hand's observations from one who absorbed and applied them is, by itself, pretty much worth the relatively modest price of admission.

This is a nice little refresher handbook to have around at the law office. As with most books aimed at the legal profession, it's way overpriced. I'm not sure when I purchased this 1987 publication, but it had to be 1994 or 95 and I know it wasn't \$18.95 then. Since reading it 20 years ago, I've gone to it probably 2 or 3 times for 2 or 3 minutes each time. Were this \$5.95, I'd heartily give it 5 stars. But at \$18.95(!), no way can I give more than 3.

This book presents anecdotal stories to make a point. But it fails to show how things ought to be done. Stated differently, it is a series of war stories, quite similar to Francis Wellman's *The Art of Cross Examination*. I would recommend *Your Witness*, advice given by 50 top Chicago lawyers, edited by Steven F. Molo and James R. Figliulo, and *MacCarthy on Cross-Examination*, by Terence F. MacCarthy.

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