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## Questioning

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# Questioning: Success in Chambers

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Legal Education  
Society of Alberta

For: *Questioning*  
Edmonton, Alberta – November 6, 2019  
Calgary, Alberta – November 12, 2019

**QUESTIONING: SUCCESS IN CHAMBERS**

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## **THE QUESTIONING ITSELF**

- 1. Make Your Questions Clear**
- 2. Make Your Undertaking Requests Clear**
- 3. Identify the Documents Clearly on the Record**
- 4. Premature Objections**
- 5. Ask Only Questions of Fact**

Questioning is for questions of relevant facts. What did you say? What did you hear? What did you read? Who was present? When did it take place? Who was there? What time of day was it? Did you read this document before you signed it? Did you feel you understood what you were committing to? Did you have a clear view of the event? “What was your understanding of your obligations?” is, in my view, often a proper question, because the question is not, “What were your legal obligations?” which is a question of law, but rather it is a question about a state of mind.

- 6. Keep Your Questions Short**
- 7. Do Not Repeat Questions That Have Been Answered**
- 8. If You Have to Ask a Question Twice, Ask it Again in Exactly the Same Words**
- 9. Start Big, End Small**

Start with the big picture description, such as “Tell me what you observed that day”, “Where did you have this meeting?”, “Who else was there?” and focus in from there.

- 10. Go Through the Facts Chronologically**
- 11. Be Aware of the Difference Between Discovery Questioning and Cross-Examination Questioning**

A good cross-examination of affidavit will rarely take more than an hour, often only a half hour.

- 12. Don't Re-Examine Your Own Witness**

## **THE APPLICATION FORM**

- 13. Use the Application Form**
- 14. Tell Us Who You Represent in Your Application Form**