

## **INTRODUCTION TO IMPEACHMENT PRIMARY ATTORNEY STRATEGIES AND TACTICS**

Title:	Introduction to Impeachment – Primary Attorney Strategies and Tactics
Lesson Purpose:	To present the primary strategies and tactics utilized by defense attorneys during cross examination to present their theory of the case through impeachment of the witness.
Training Objectives:	<p>At the end of this block of instruction, the student will be able to achieve the following objectives:</p> <ol style="list-style-type: none"><li>1. Become acquainted with the strategies used for impeachment during cross examination and recognize the tactic used to implement those strategies when they arise.</li><li>2. Understand how a defense attorney prepares their cross examination with certain strategies in mind and utilizes those which further their theory of the case.</li><li>3. Grasp the significance and impact their professional and personal background, experiences, attitudes and relationships have upon their cross-examination experience.</li></ol>
Hours:	90 Minutes

Introduction to  
Impeachment  
Lesson Plan

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Instructional Method: Lecture/Scenario based questions.

Materials Required: Pen/Pencil  
Student Handout  
Student Lesson Plan

References: Op-Ed: *Why ‘The People v. O.J. Simpson’ should be required watching for America’s police chiefs.* Jim Newton, Los Angeles Times February 5, 2016.

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Downs, Jason, *Overview of 2018 NACDL Lecture, Impeachment in Modern Drug Cases*, Fall, 2018  
Downs Collins, P.A.

Wallach, Ian, *Cross Examination of the Law Enforcement Officer*, NACDL’s Annual Seminar “Advanced Cross Examination Techniques” Nashville, Tennessee 2019.

Rubinowitz, Ben and Torgan, Evan, *Exposing an Expert Witness’ Bias During Cross-Examination Collateral Attack*, New York Law Journal, December 23, 2013.

Pugh, Todd, *Cross-Examining the Law Enforcement Officer “Defining Your Enemy”* Chicago, Illinois.

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CPL § 6-16.

Sellitti, Jennifer, *Breaking Blue: Challenging Police Officer Credibility at Motions to Suppress*, NACDL Champion, October 3, 2019.

Reilly, Steve and Nichols, Mark, *Tarnished Brass, Hundreds of Police Officers Have Been Labeled Liars. Some Still Send People to Prison*. USA Today News October 14, 2019. Updated December 16, 2019.

Willis, Jennifer, *Inspired Impeachment*, September 21, 2021. Federal Defenders of New York.

Timlin, Tracey, *A Quick Guide to Rule 608(b): An Underutilized Impeachment Tool*. American Bar Association Publication Online, June 7, 2019.

Warshauer, Michael J. *Liar, Liar, Pants on Fire- Impeachment by Cross Examination*, Continuing Legal Education Program, Warshauer & Woodruff, Atlanta. 2001.

Seidelson, David E. *Extrinsic Evidence on a Collateral Matter May Not Be Used to Impeach Credibility: What Constitutes Collateral Matter*, 9 Rev. Litig. 203, 242 (1990).

*Jones v. United States*, 93 A.3d 1237 (2021).

*The People v. O.J. Simpson* (1994). Various video footage of cross examination of Mark Fuhrman (Youtube).